

EXHIBIT 1

**REDACTED VERSION OF
DOCUMENT SOUGHT TO
BE SEALED**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
Plaintiff,) Case No.
vs.) CV 10-03561 WHA
GOOGLE, INC.,)
Defendant.)
_____) VOLUME I

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPED 30(b)(6) DEPOSITION OF GOOGLE, INC.

DESIGNEE: FELIX LIN

Palo Alto, California

Monday, December 14, 2015

Reported by:

KELLI COMBS, CSR No. 7705

Job No. 2196295

Pages 1 - 184

Page 1

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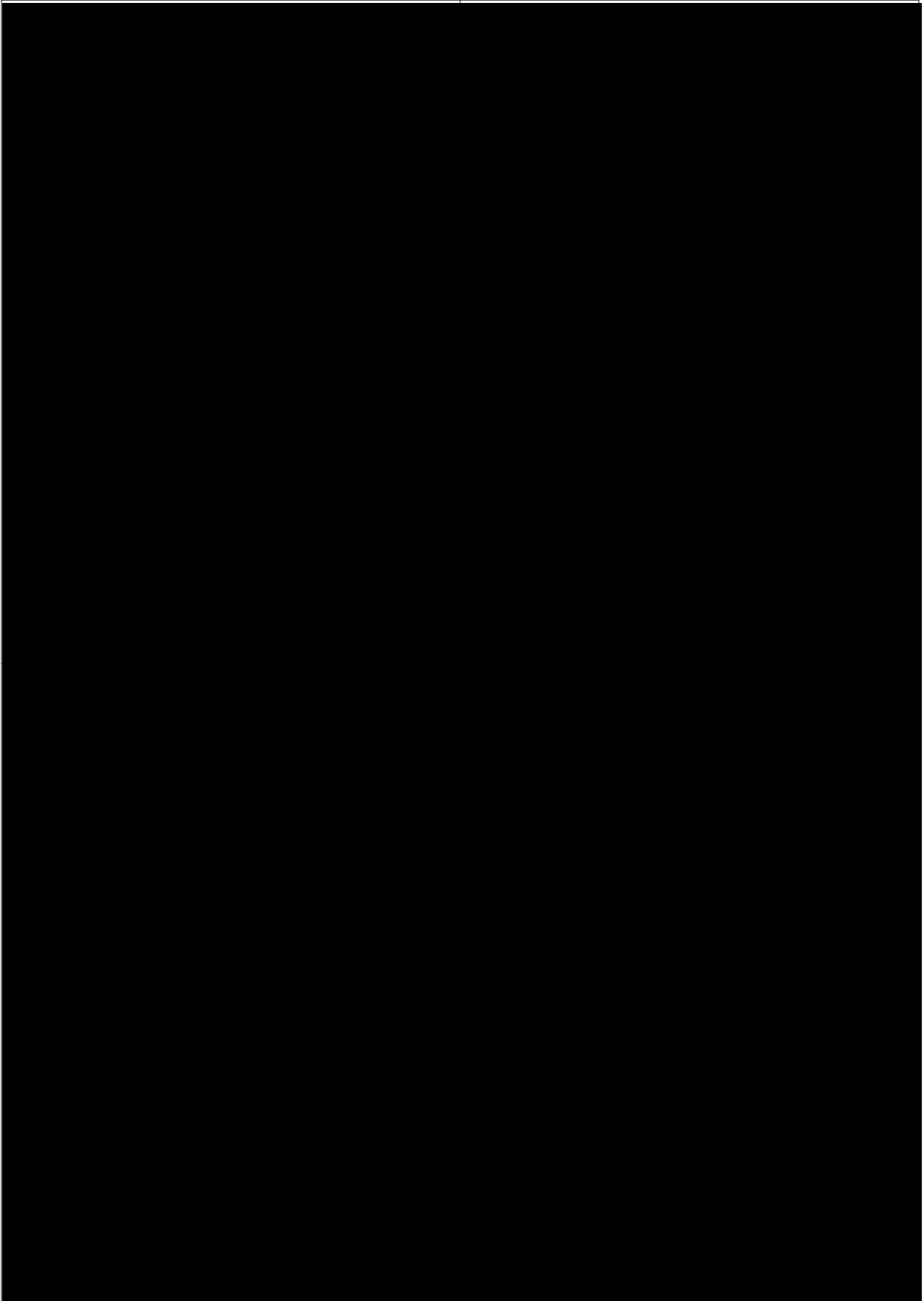
1 UNITED STATES DISTRICT COURT	1 I N D E X
2 NORTHERN DISTRICT OF CALIFORNIA	2 WITNESS
3 SAN FRANCISCO DIVISION	3 FELIX LIN
4	4 EXAMINATION PAGE
5 ORACLE AMERICA, INC.,)	5 BY MS. HURST 7
6 Plaintiff,)	6
7) Case No.	7
8 vs.) CV 10-03561 WHA	8
9 GOOGLE, INC.,)	9
10 Defendant.)	10
11 _____)	11
12	12
13	13
14	14
15 VIDEOTAPED DEPOSITION OF FELIX LIN, Volume I, taken	15
16 on behalf of Plaintiff, at King & Spalding, 601 S.	16
17 California Street, Suite 100, Palo Alto, California,	17
18 beginning at 10:00 a.m., on Monday, December 14, 2015,	18
19 before KELLI COMBS, Certified Shorthand Reporter No.	19
20 7705.	20
21	21
22	22
23	23
24	24
25	25
Page 2	Page 4
1 APPEARANCES:	1 E X H I B I T S
2 For the Plaintiff:	2 EXHIBITS FOR IDENTIFICATION
3 ORRICK, HERRINGTON & SUTCLIFFE LLP	3 NUMBER PAGE
4 BY: ANNETTE L. HURST, ESQ.	4 Exhibit 5089 Article from Ars Technica 100
5 MICHELLE O'MEARA, ESQ.	5 entitled "The Pixel C was
6 405 Howard Street	6 Probably Never Supposed to
7 San Francisco, California 94105-2669	7 Run Android" dated
8 415.773.4585	8 December 10, 2015
9 ahurst@orrick.com	9 Exhibit 5090 Wall Street Journal article 106
10	10 entitled "Alphabet's Google
11 For the Defendant:	11 to Fold Chrome Operating
12 KEKER & VAN NEST LLP	12 System into Android" dated
13 BY: STEVEN P. RAGLAND, ESQ.	13 October 29, 2015
14 633 Battery Street	14 Exhibit 5091 Large printout of a single 124
15 San Francisco, California 94111	15 tab in a worksheet,
16 415.391.5400	16 produced natively, entitled
17 sragland@kvn.com	17 "Google Mobile Search
18	18 Services," Bates stamped
19	19 GOOGLE-22-00113654
20 Also Present:	20 Exhibit 5092 Tab in a spreadsheet titled 144
21 Jefree Anderson, Video Operator	21 "AdSense Revenue Report,
22 Chester Day, In-house counsel for Google	22 Summary Format," Bates
23	23 stamped GOOGLE-22-00113654
24	24 Exhibit 5093 Mobile application and 156
25	25 distribution agreement,
Page 3	Page 5
	17 Bates stamped GOOG-00130126
	18 through -40
	19 PREVIOUSLY MARKED EXHIBITS
	20 EXHIBIT PAGE
	21 5003 48
	22
	23
	24
	25

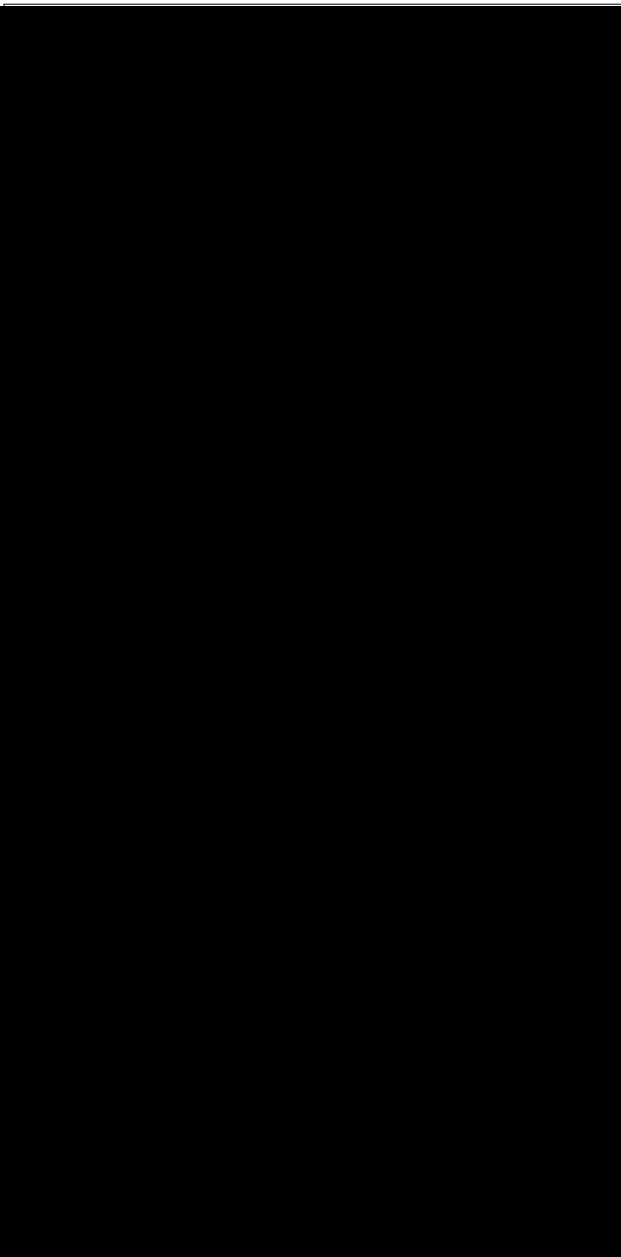
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<p>1 Palo Alto, California; Monday, December 14, 2015</p> <p>2 10:00 a.m.</p> <p>3 PROCEEDINGS</p> <p>4 THE VIDEOGRAPHER: Good morning, we're on</p> <p>5 the record at 10:00 a.m. on December 14th, 2015.</p> <p>6 This is the video recorded deposition of Felix Lin.</p> <p>7 My name is Jefree Anderson, here with our court</p> <p>8 reporter, Kelli Combs. We're here from Veritext</p> <p>9 Legal Solutions at the request of counsel for the</p> <p>10 Plaintiff.</p> <p>11 This deposition is being held at 601 South</p> <p>12 California Avenue in Palo Alto, California. The</p> <p>13 caption of this case is Oracle America, Incorporated</p> <p>14 versus Google, Incorporated, Case Number CV</p> <p>15 10-03561.</p> <p>16 Please note that audio and video recording</p> <p>17 will take place unless all parties agree to go off</p> <p>18 the record. Microphones are sensitive and may pick</p> <p>19 up whispers, private conversations and cellular</p> <p>20 interference, so please be aware of that.</p> <p>21 Please state your name and the firm you</p> <p>22 represent, beginning with the noticing attorney.</p> <p>23 MS. HURST: Annette Hurst from Oracle</p> <p>24 Herrington & Sutcliffe for Plaintiff Oracle, and</p> <p>25 with me this morning is Michelle O'Meara, also of my</p> <p style="text-align: right;">Page 6</p>	<p>1 Do you understand that?</p> <p>2 A Yes.</p> <p>3 Q All right.</p> <p>4 And although it can be sometimes difficult</p> <p>5 because everybody wants to get this over with, if</p> <p>6 you wait until I finish my questions before you give</p> <p>7 your answers so that we're not talking over each</p> <p>8 other, and I'll commit to you to do the same. That</p> <p>9 will also make it easier for the court reporter.</p> <p>10 Do you understand?</p> <p>11 A Yes.</p> <p>12 Q All right.</p> <p>13 You'll have an opportunity to review the</p> <p>14 transcript that is prepared after the deposition,</p> <p>15 make revisions to any answers that you think require</p> <p>16 correction. But if you do change your answers in</p> <p>17 some material way, then I may have the opportunity</p> <p>18 to comment on that before the jury as to your</p> <p>19 credibility.</p> <p>20 Do you understand that?</p> <p>21 A Yes.</p> <p>22 Q All right.</p> <p>23 By whom are you presently employed?</p> <p>24 A Google.</p> <p>25 Q Anyone else?</p> <p style="text-align: right;">Page 8</p>
<p>1 firm.</p> <p>2 MR. RAGLAND: Steven Ragland,</p> <p>3 Kecker & Van Nest, on behalf of Google.</p> <p>4 MR. DAY: Chester Day, Google, Inc.</p> <p>5 THE VIDEOGRAPHER: Will the court reporter</p> <p>6 please swear in the witness.</p> <p>7 FELIX LIN,</p> <p>8 after having been duly sworn, testified as follows:</p> <p>9 ---o0o---</p> <p>10</p> <p>11 THE VIDEOGRAPHER: Please begin.</p> <p>12 EXAMINATION</p> <p>13 BY MS. HURST:</p> <p>14 Q Good morning, Mr. Lin.</p> <p>15 A Good morning.</p> <p>16 Q Have you ever been deposed before?</p> <p>17 A No.</p> <p>18 Q All right.</p> <p>19 Your counsel has probably explained to you</p> <p>20 how it works, but I'll just go over a few ground</p> <p>21 rules. I'll be asking questions, and it would help</p> <p>22 the court reporter take down accurately the answers</p> <p>23 if you always answer audibly with some kind of a</p> <p>24 word, "yes," "no," "I don't know," whatever it is,</p> <p>25 rather than a grunt or a nod.</p> <p style="text-align: right;">Page 7</p>	<p>1 A No.</p> <p>2 Q And what is your current title with</p> <p>3 Google?</p> <p>4 A Director of Product Management.</p> <p>5 Q What are your general duties and</p> <p>6 responsibilities as a Director of Product Management</p> <p>7 at Google?</p> <p>8 A Today, I primarily work with hardware</p> <p>9 partners, folks like Acer and others, who are</p> <p>10 building hardware built on Google's operating system</p> <p>11 platforms.</p> <p>12 Q Which operating system platforms?</p> <p>13 A Chrome OS and Android.</p> <p>14 Q When did you join Google?</p> <p>15 A April of 2009.</p> <p>16 Q And what was your title at that time?</p> <p>17 A Group Product Manager.</p> <p>18 Q And what product or products --</p> <p>19 For which product or products did you have</p> <p>20 responsibility when you joined Google?</p> <p>21 A Chrome OS.</p> <div style="background-color: black; height: 50px; width: 100%;"></div> <p style="text-align: right;">Page 9</p>

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<p>1 very beginning, and just last year about this time, 2 I picked up responsibility for Android Partner 3 Engineering. 4 Q When you joined Google, was there a 5 Chrome OS? 6 A No. The product had not been announced 7 yet. 8 Q Was it being worked on at the time? 9 MR. RAGLAND: I'll object to outside the 10 scope of the 30(b)(6) topics on which Mr. Lin is 11 presented. 12 But you may answer. 13 THE WITNESS: Sure. We were in the 14 initial discussions about getting the project 15 started. 16 BY MS. HURST: 17 Q So you were there from the very beginning 18 with Chrome OS? 19 A There were some conversations that were -- 20 that had taken place before I had gotten there. 21 Q Had the decision yet been made to go 22 forward in creating Chrome OS? 23 A No. 24 MR. RAGLAND: Same objection. Outside th 25 scope.</p> <p style="text-align: right;">Page 10</p>	<p>1 Q Anyone else? 2 A Not that I recall. 3 Q What about Mr. Pichai? Did he participate 4 in those discussions? 5 A I don't recall whether I had direct 6 conversations with him.</p> <p style="text-align: right;">Page 12</p>
<p>1 BY MS. HURST: 2 Q With whom did you participate in the 3 discussions whether Google should create Chrome OS? 4 MR. RAGLAND: And if I could just -- 5 Ms. Hurst, if I could have a continuing objection to 6 the question about Chrome OS as outside the scope of 7 the topics, that way I won't need to interrupt you 8 each time. 9 MS. HURST: Well, Topic 5 specifically 10 encompasses non-Android operating systems, so this 11 is foundation for that topic. I don't agree with 12 you, but if you just object and say "beyond the 13 scope" when you think it's beyond the scope, you 14 will have preserved the objection. 15 THE WITNESS: What was your question 16 again? 17 BY MS. HURST: 18 Q With whom did you participate in 19 discussions whether Google should create Chrome OS? 20 MR. RAGLAND: Objection; outside the 21 scope. 22 THE WITNESS: Linus Upson. 23 BY MS. HURST: 24 Q Anyone else? 25 A Caesar Sengupta.</p> <p style="text-align: right;">Page 11</p>	<p>25 MR. RAGLAND: Objection to form.</p> <p>1 If you'll wait just one moment, I'll put 2 an objection in. 3 BY MS. HURST: 4 Q And would you correct my pronunciation of 5 any names if they're wrong today? I don't want to 6 offend anyone by getting the names wrong. 7 Is that -- is that all right with you? 8 A Sure. Yes. 9 Q Thank you.</p> <p>16 BY MS. HURST: 17 Q Now, in 2009, Google had already created 18 and announced Android; is that correct? 19 A Yes. 20 Q And Android is an operate -- or includes 21 an operating system, true? 22 MR. RAGLAND: Objection; form. 23 THE WITNESS: Yes.</p> <p style="text-align: right;">Page 13</p>





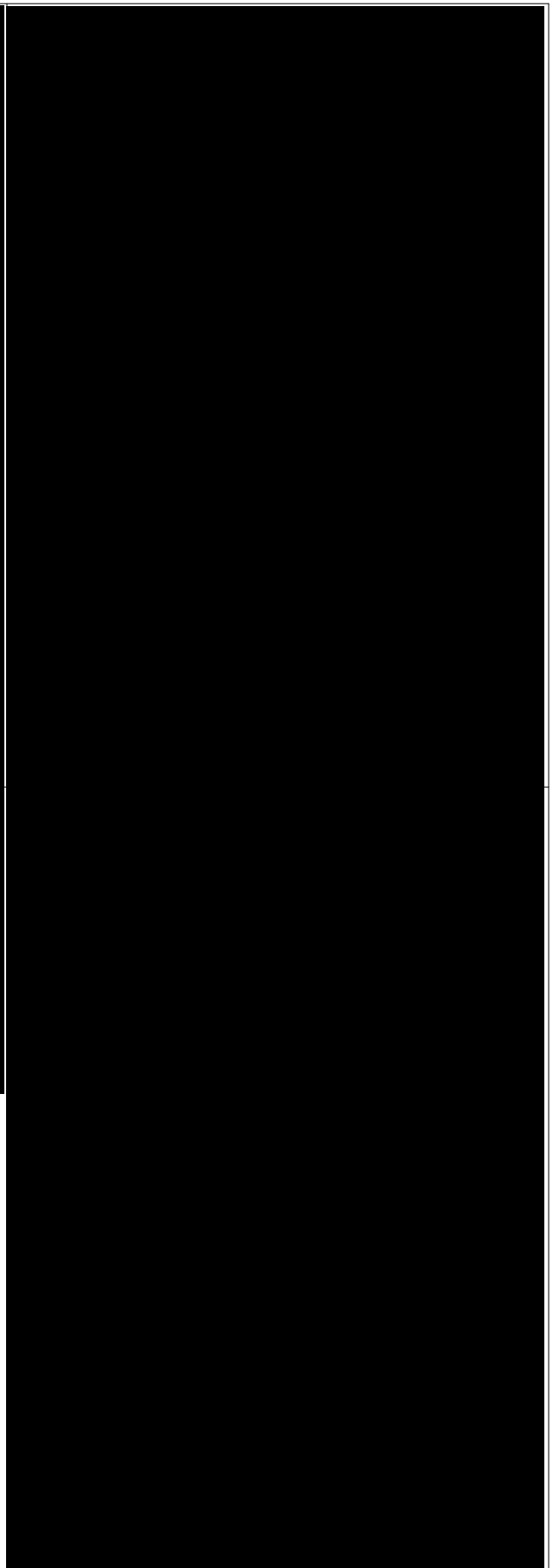
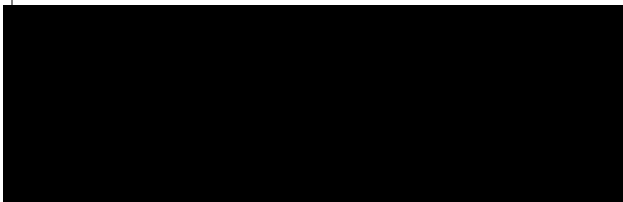
11 Q And the -- are you familiar with
12 ARC Welder?

13 A Yes.

14 Q What is ARC Welder?

15 MR. RAGLAND: Objection; outside the
16 scope.

17 THE WITNESS: ARC Welder is a tool that
18 allows application developers to try to get their
19 applications running on Chrome OS.



4 Q Well, there are some number of Android
5 applications that are available on the Google Play
6 Store.

7 Are you familiar with that?

8 MR. RAGLAND: Same objections.

9 THE WITNESS: Yes.

10 BY MS. HURST:

11 Q At times, people have estimated that
12 perhaps a million applications might be available in
13 the Google Play Store, true?

14 A Right.

15 BY MS. HURST:

16 Q How long has ARC Welder been in existence?

17 MR. RAGLAND: Objection to form, outside
18 the scope.

19 THE WITNESS: I can't recall exactly how
20 long, but it seems within the last year.

21 BY MS. HURST:

22 Q Would you say that's a relatively new
23 effort?

24 A Yes.

25 MR. RAGLAND: Same objections.

Page 24

23 BY MS. HURST:

24 Q Would you agree that major platform

25 providers in the marketplace are working towards the

Page 25

Page 23

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<p>1 goal of having a unified experience for their 2 consumers across all devices? 3 MR. RAGLAND: Objection to form, outside 4 the scope of the noticed topics. 5 THE WITNESS: Could you ask the question 6 again? 7 BY MS. HURST: 8 Q Sure. 9 Would you agree that the major platform 10 providers in the marketplace are working towards the 11 goal of having a unified experience for their 12 consumers across all devices? 13 MR. RAGLAND: Same objections. 14 THE WITNESS: Which companies are you 15 thinking about? 16 BY MS. HURST: 17 Q Well, let's take Apple as an example, 18 Microsoft as an example. 19 MR. RAGLAND: Same objections. 20 THE WITNESS: It's hard for me to talk 21 about strategies of other companies. If you're 22 asking as a consumer what am I seeing, I can answer 23 that. 24 BY MS. HURST: 25 Q All right. And how would you?</p> <p style="text-align: right;">Page 26</p>	
<p>1 MR. RAGLAND: Objection; outside the 2 scope. 3 THE WITNESS: I'd say companies seem to be 4 taking different approaches. 5 BY MS. HURST: 6 Q Have you -- have you reviewed any analyst 7 reports or other articles in major publications 8 discussing efforts by major consumer technology 9 platform providers to unify their platforms across 10 multiple devices? 11 MR. RAGLAND: Objection to form, outside 12 the scope. 13 THE WITNESS: I've -- I've read a lot, but 14 everything seems all over the map.</p>	
	<p>15 BY MS. HURST: 16 Q And how does Google make money? 17 MR. RAGLAND: Objection; outside the 18 scope, form. 19 THE WITNESS: Today, Google primarily 20 makes money from advertising. 21 BY MS. HURST: 22 Q And in what forms does Google deliver the 23 advertising from which it makes that money? 24 MR. RAGLAND: Same objections. 25 THE WITNESS: Largely online.</p> <p style="text-align: right;">Page 29</p>

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<p>1 BY MS. HURST: 2 Q And search engine advertising is an 3 example? 4 A Yes. 5 Q And are there other examples of forms of 6 advertising that Google uses to make money? 7 MR. RAGLAND: Same objections. 8 THE WITNESS: Display ads. 9 BY MS. HURST: 10 Q Any others? 11 MR. RAGLAND: Same objections. 12 THE WITNESS: Video ads. 13 BY MS. HURST: 14 Q Any others? 15 MR. RAGLAND: Same. 16 THE WITNESS: Application licensing. 17 BY MS. HURST: 18 Q And any other examples of forms of 19 advertising that Google uses to make money that you 20 can think of? 21 MR. RAGLAND: Objection to form, outside 22 the scope. 23 THE WITNESS: There's keyword advertising. 24 BY MS. HURST: 25 Q Any others?</p> <p style="text-align: right;">Page 30</p>	<p>1 MR. RAGLAND: Objection; form, outside the 2 scope. 3 THE WITNESS: They could be typed into a 4 browser, that's correct, yeah. 5 BY MS. HURST: 6 Q And can those keywords be typed into other 7 places as well in order for Google to generate 8 revenue associated with its AdWords program? 9 A Yes. 10 MR. RAGLAND: Same objections. 11 BY MS. HURST: 12 Q And where else does the use of keywords 13 enable Google to generate revenue from its AdWords 14 program? 15 MR. RAGLAND: Objection to form, outside 16 the scope. 17 THE WITNESS: People can type search terms 18 into a search box. 19 BY MS. HURST: 20 Q What is a search box? 21 A It's a search field on your mobile device. 22 Q Other than browsers and search box, are 23 there other places that keywords are used as part of 24 the AdWords program? 25 MR. RAGLAND: Same objections.</p> <p style="text-align: right;">Page 32</p>
<p>1 MR. RAGLAND: Same objections. 2 THE WITNESS: Not that I'm -- not that 3 come to mind immediately. 4 BY MS. HURST: 5 Q All right. 6 Now, is keyword advertising the same as 7 search engine advertising, or is it different? 8 MR. RAGLAND: Same objections. 9 THE WITNESS: I guess it depends on how 10 you define it. 11 BY MS. HURST: 12 Q Okay. 13 What did you have in mind? 14 A Specifically the AdWords program. 15 Q And when you say "the AdWords program," 16 that's a form of keyword advertising? 17 A Right. 18 Q And the way that works is that Google 19 sells or auctions to advertisers the right to 20 display their advertisements in connection with 21 consumers searching on certain keywords, true? 22 A That's generally it, yeah. 23 Q Okay. 24 And those keywords might be typed into a 25 browser, true?</p> <p style="text-align: right;">Page 31</p>	<p>1 THE WITNESS: They could be spoken. 2 BY MS. HURST: 3 Q Any others? 4 MR. RAGLAND: Same objections. 5 THE WITNESS: Not that come to mind. 6 BY MS. HURST: 7 Q All right. 8 Now, when you said "the search box," where 9 are the -- I'm just going to use the physical world 10 terms, and if it doesn't make sense, you'll tell me. 11 Is that okay? 12 A Sure. 13 Q All right. 14 So where are the places that one user 15 might look or find a search box to enter a term that 16 could result in Google earning money as part of 17 keyword advertising in its AdWords program? 18 MR. RAGLAND: Outside the scope. 19 THE WITNESS: And end user could go to 20 Google.com and type search terms into the search 21 field at the top of the page. 22 BY MS. HURST: 23 Q And where else? 24 A On many phones there is a Google Search 25 box on the home screen.</p> <p style="text-align: right;">Page 33</p>

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<p>1 Q And do you have any particular name for</p> <p>2 that home screen Google Search box? Is there any</p> <p>3 terminology that you use regularly to refer to that?</p> <p>4 A I just call it the search box.</p> <p>5 Q Okay.</p> <p>6 We've heard the term from time to time,</p> <p>7 phone top. Does that mean anything to you?</p> <p>8 A I've never actually heard that term,</p> <p>9 but...</p> <p>10 Q Okay. That's fine.</p> <p>11 A Yeah.</p> <p>12 Q All right.</p> <p>13 Other than the Google.com search box and a</p> <p>14 search box on the home screen of a phone, are there</p> <p>15 other places where a consumer might find a search</p> <p>16 box that would result in Google getting advertising</p> <p>17 revenue as part of its AdWords program?</p> <p>18 MR. RAGLAND: Objection to -- outside the</p> <p>19 scope and form.</p> <p>20 THE WITNESS: So people can type search</p> <p>21 terms directly into the field for the URL in most</p> <p>22 browsers; however, that can result in a search</p> <p>23 taking place, it doesn't always mean that Google is</p> <p>24 generating revenue from the search that happens from</p> <p>25 that.</p> <p style="text-align: right;">Page 34</p>	<p>1 MR. RAGLAND: Objection to form and</p> <p>2 outside the scope.</p> <p>3 THE WITNESS: Chrome browser has a URL</p> <p>4 field that people can search through, yes.</p> <p>5 BY MS. HURST:</p> <p>6 Q As a browser on mobile devices?</p> <p>7 A Right.</p> <p>8 MR. RAGLAND: Same objections.</p> <p>9 BY MS. HURST:</p> <p>10 Q Any other Google applications have a</p> <p>11 search box built in that might lead to opportunities</p> <p>12 for Google to earn revenue from keyword advertising?</p> <p>13 MR. RAGLAND: Objection to form, outside</p> <p>14 the scope.</p> <p>15 THE WITNESS: There are search fields in</p> <p>16 many applications that are designed to help users</p> <p>17 accomplish what they're looking for; however, most</p> <p>18 of those don't lead to Google.com. In fact, I can't</p> <p>19 think of any that link to Google.com.</p> <p>20 BY MS. HURST:</p> <p>21 Q So when you mentioned that there was a</p> <p>22 Google Search box on the home screen on some --</p> <p>23 certain phones, what devices did you mean?</p> <p>24 MR. RAGLAND: Objection; outside the</p> <p>25 scope.</p> <p style="text-align: right;">Page 36</p>
<p>1 BY MS. HURST:</p> <p>2 Q It would depend whether that browser</p> <p>3 directs the search to Google?</p> <p>4 A That's right.</p> <p>5 MR. RAGLAND: Objection --</p> <p>6 If you wait just a moment.</p> <p>7 Objection; outside the scope.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. HURST:</p> <p>10 Q Are there also applications that have</p> <p>11 search boxes in them?</p> <p>12 MR. RAGLAND: Same objection.</p> <p>13 THE WITNESS: I can't think of any</p> <p>14 offhand, but I can imagine there are.</p> <p>15 BY MS. HURST:</p> <p>16 Q Are there Google applications that have</p> <p>17 search boxes in them?</p> <p>18 MR. RAGLAND: Same objection.</p> <p>19 THE WITNESS: There is a Google Search</p> <p>20 application for mobile.</p> <p>21 BY MS. HURST:</p> <p>22 Q And what about the other Google apps such</p> <p>23 as Gmail or Maps; do those also have search boxes</p> <p>24 that might lead to opportunities for earning revenue</p> <p>25 from keyword advertising?</p> <p style="text-align: right;">Page 35</p>	<p>1 THE WITNESS: Android's -- Android phones.</p> <p>2 BY MS. HURST:</p> <p>3 Q Any others?</p> <p>4 MR. RAGLAND: Same objection.</p> <p>5 THE WITNESS: I don't -- it's possible,</p> <p>6 but I don't know of any.</p> <p>7 BY MS. HURST:</p> <p>8 Q Are you familiar with any search box on</p> <p>9 iOS devices?</p> <p>10 MR. RAGLAND: Objection; outside the</p> <p>11 scope.</p> <p>12 THE WITNESS: I don't use an iOS device</p> <p>13 regularly, and at least on the home screen, I don't</p> <p>14 recall there being a search box.</p> <p>15 BY MS. HURST:</p> <p>16 Q Are you aware whether on an iOS device a</p> <p>17 user can swipe down and -- and get a search box?</p> <p>18 MR. RAGLAND: Objection to form and</p> <p>19 outside the scope.</p> <p>20 THE WITNESS: I don't use an iPhone enough</p> <p>21 to know, but I wouldn't be surprised.</p> <p>████████████████████</p> <p>██</p> <p>██</p> <p>██</p> <p style="text-align: right;">Page 37</p>

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1 what you mean.

2 BY MS. HURST:

3 Q Well, let me just back up.

4 How does Google earn money in connection
5 with display advertising?

6 MR. RAGLAND: Objection; outside the
7 scope.

8 THE WITNESS: We have some advertisers who
9 pay Google to place ads on Google properties.

10 BY MS. HURST:

11 Q Can you give an example of what type of
12 property you're thinking of?

13 MR. RAGLAND: Same objection.

14 THE WITNESS: Google Maps.

15 BY MS. HURST:

16 Q Is there any way in which Google receives
17 revenue for the display of advertising for sites
18 other than its own; in other words, some kind of an
19 advertising display network?

20 MR. RAGLAND: Objection; outside the
21 scope.

22 THE WITNESS: I believe so.

23 BY MS. HURST:

24 Q And how does that work?

25 MR. RAGLAND: Same objection.

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1 THE WITNESS: From what I understand,
2 advertisers have creative content that they want to
3 be placed on these sites, and there are content
4 owners who allow those ads to be placed on their
5 sites for a share of the revenue.

6 BY MS. HURST:

7 Q And what role does Google play in that
8 transaction?

9 MR. RAGLAND: Objection; outside the scope
10 and form.

11 THE WITNESS: We just manage the placement
12 of the content on those websites.

13 BY MS. HURST:

14 Q And is that --

15 Does Google have agreements with those
16 website providers related to its management of the
17 content of that advertising on their sites?

18 MR. RAGLAND: Same objection.

19 THE WITNESS: I believe so, but I'm not
20 very close to it, to be honest.

21 BY MS. HURST:

22 Q Other than display advertising on its own
23 properties and the network of other sites where
24 Google manages the placement of ads, are there any
25 other mechanisms whereby, to your understanding,

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17 BY MS. HURST:

18 Q You mentioned display advertising as a
19 form of advertising on which Google makes money.

20 Is there any mechanism for the use of
21 display advertising in connection with mobile
22 devices?

23 MR. RAGLAND: Objection; outside the scope
24 and form.

25 THE WITNESS: I'm not sure what you're --

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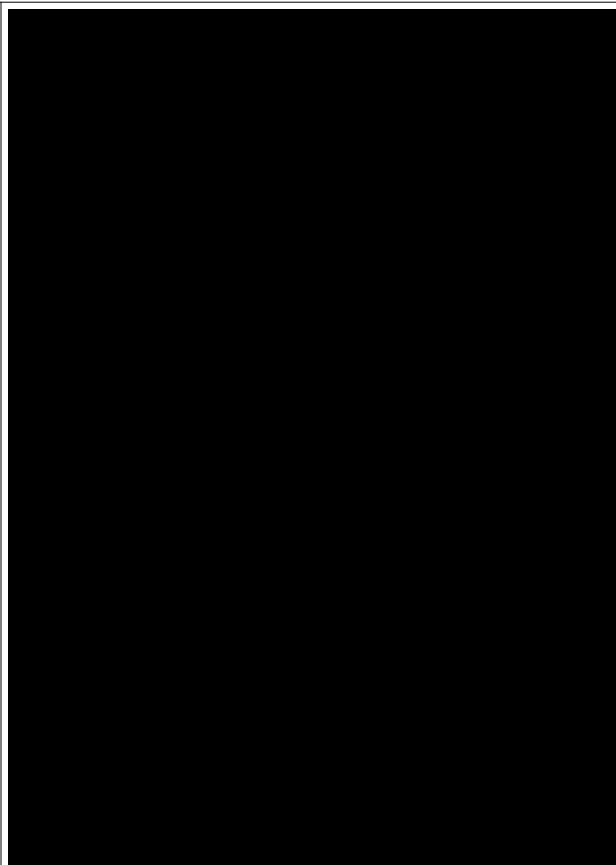
<p>1 Google earns revenue associated with display 2 advertising? 3 MR. RAGLAND: Objection; outside the 4 scope. 5 THE WITNESS: I don't know. 6 BY MS. HURST: 7 Q You mentioned video advertising. 8 What are the mechanisms whereby Google 9 earns revenue in connection with video advertising? 10 MR. RAGLAND: Same objection. 11 THE WITNESS: I -- I don't know the 12 details. I'm just not close to it. 13 BY MS. HURST: 14 Q Were you thinking of YouTube when you said 15 that? 16 MR. RAGLAND: Objection to form, outside 17 the scope. 18 THE WITNESS: I was thinking of YouTube, 19 yes. 20 BY MS. HURST: 21 Q Because there's video role advertising 22 sometimes on YouTube films? 23 A That I see, right. 24 Q Right. 25 You mentioned application licensing as a</p> <p style="text-align: right;">Page 42</p>	<p>1 BY MS. HURST: 2 Q Do you charge a licensing fee to hardware 3 partners for the use of Chrome OS? 4 MR. RAGLAND: Objection to form and 5 outside the scope. 6 THE WITNESS: No. 7 BY MS. HURST: 8 Q How, if at all, do you make any money 9 associated with Chrome OS? 10 MR. RAGLAND: Same objections. 11 THE WITNESS: We believe that indirectly 12 the more people use the Web, the more they will see 13 advertisements. So it's very indirect. 14 BY MS. HURST: 15 Q Well, how do those people seeing 16 advertisements result in money for Google? 17 MR. RAGLAND: Objection; outside the scope 18 and form. 19 THE WITNESS: Well, hopefully some of 20 those ads are being run through our display 21 advertising network. Hopefully they go to 22 Google.com and do searches, and we also generate 23 revenue from the Chrome Management Console, so for 24 companies and schools that are deploying, you know, 25 large fleets of piece devices, we generate revenue</p> <p style="text-align: right;">Page 44</p>
<p>1 form of ad-related revenue that Google receives. 2 How does that work? 3 MR. RAGLAND: Objection; outside the 4 scope. 5 THE WITNESS: It's not actually ad-related 6 revenue. That's just strictly software licensing. 7 BY MS. HURST: 8 Q Okay. 9 Putting aside ad revenue, then, how does 10 Google earn revenue from application licensing? 11 A So we have application suites like Google 12 Docs which companies can license. 13 Q Other than application suites like Google 14 Docs, are there any others where Google earns 15 application licensing revenue? 16 A We have something called Chrome Management 17 Console, which people use to manage Chromebooks and 18 other Chrome devices. 19 Q Any others than Google Docs or Chrome 20 Management Console? 21 MR. RAGLAND: Objection; outside the 22 scope. 23 THE WITNESS: None that come to mind right 24 away. I think we also have cloud services. 25</p> <p style="text-align: right;">Page 43</p>	<p>1 for managing those devices. 2 BY MS. HURST: 3 Q Is there any kind of search box in 4 Chrome OS? 5 MR. RAGLAND: Objection; form, outside the 6 scope. 7 THE WITNESS: There's a search box if you 8 go to Google.com and if you are using the Chrome 9 browser in Chrome OS, there is the URL -- we call it 10 the Omnibox -- that allows people to type in a Web 11 page or search terms. 12 BY MS. HURST: 13 Q Other than through the use of browsers, 14 are there any other search capabilities in 15 Chrome OS? 16 MR. RAGLAND: Same objection. 17 THE WITNESS: For certain Chrome devices, 18 we have Google Now service where people can submit a 19 voice query. 20 BY MS. HURST: 21 Q Other than Google Now or browsers, are 22 there other search capabilities in Chrome OS? 23 MR. RAGLAND: Objection; outside the 24 scope. 25 THE WITNESS: It depends on -- I mean,</p> <p style="text-align: right;">Page 45</p>

1 it's a -- it's a platform, so if they have installed
2 search extensions from third parties or applications
3 from third parties that have search capabilities,
4 then they would have those as well.
5 BY MS. HURST:
6 Q Can you give me an example of a type of
7 device that uses Chrome OS?
8 MR. RAGLAND: Objection; outside the
9 scope.
10 THE WITNESS: There's a -- well, lots
11 of -- lots of notebook computers that we call
12 Chromebooks.
13 BY MS. HURST:
14 Q And is the Chrome OS an open source
15 operating system?
16 MR. RAGLAND: Objection; outside the
17 scope, also to form.
18 THE WITNESS: Chrome OS is based on
19 Chromium OS, which is completely open source.
20 Chrome OS itself is licensed software.
21 BY MS. HURST:
22 Q So it is --
23 All parts of Chrome OS are not open; is
24 that true?
25 A That's correct.

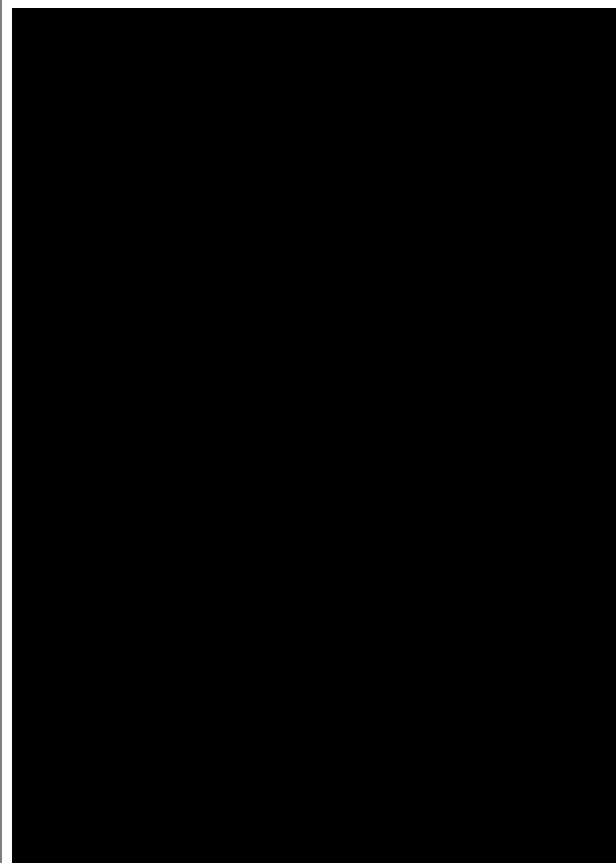
Page 46

1 MR. RAGLAND: Objection to form and
2 outside the scope.

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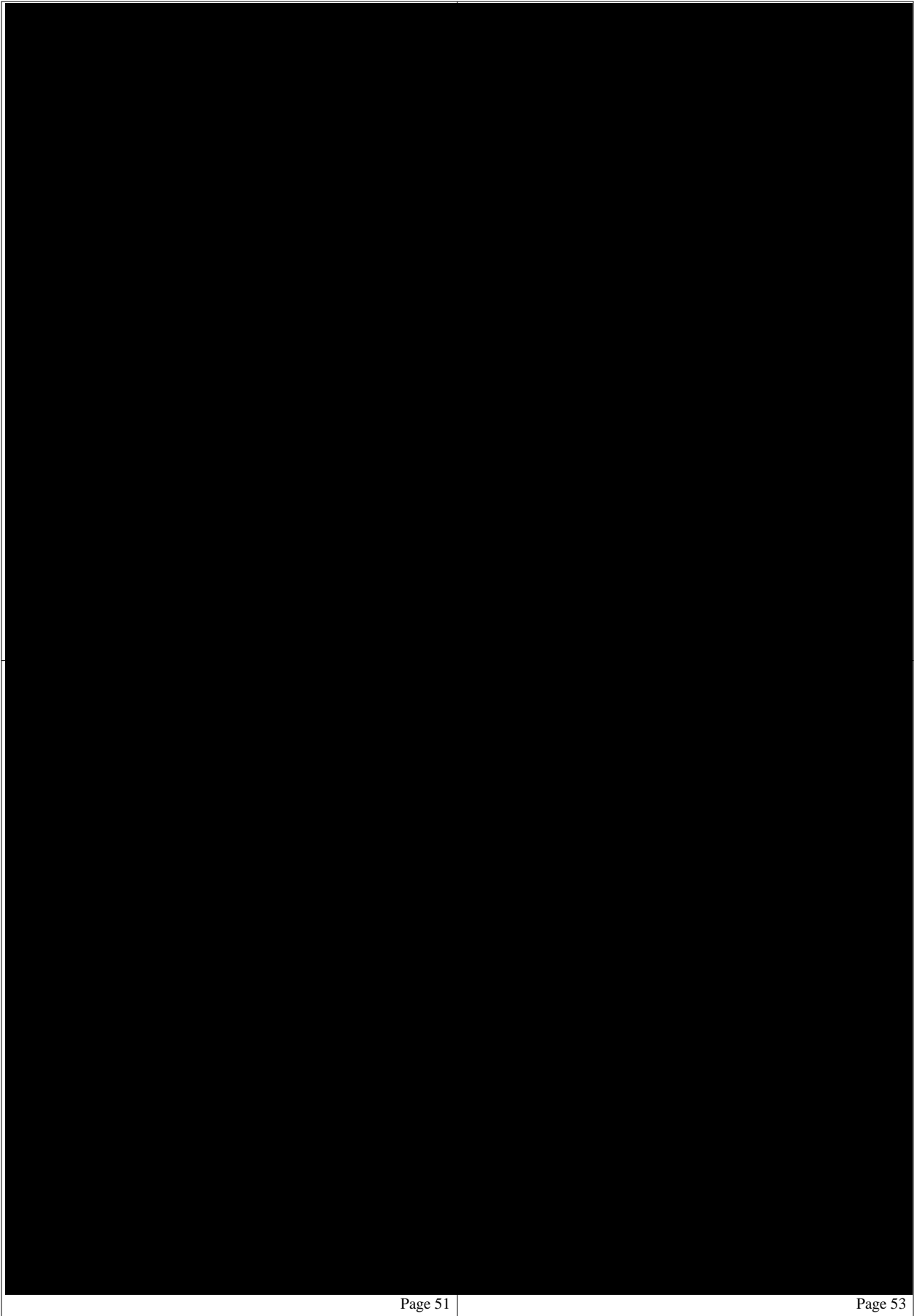


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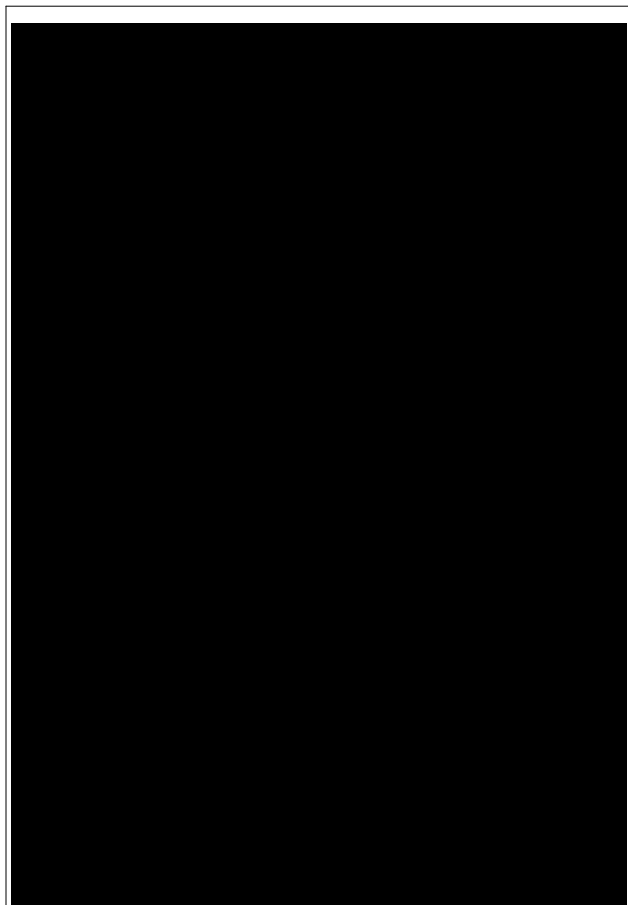


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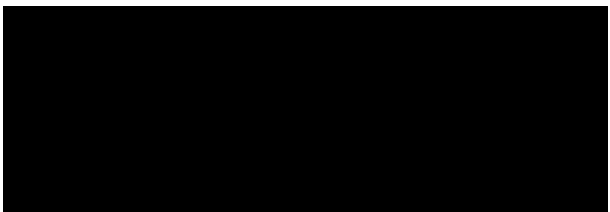
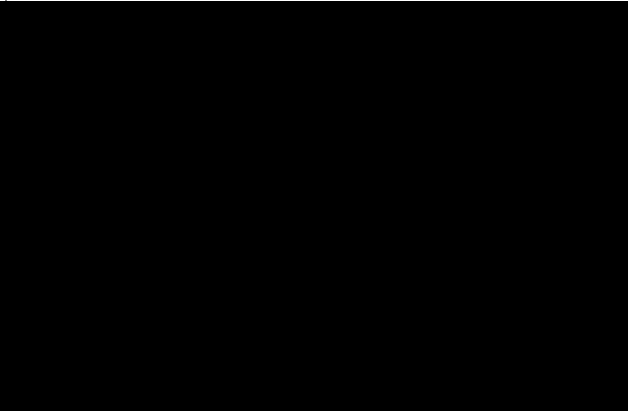
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14 (Pages 50 - 53)

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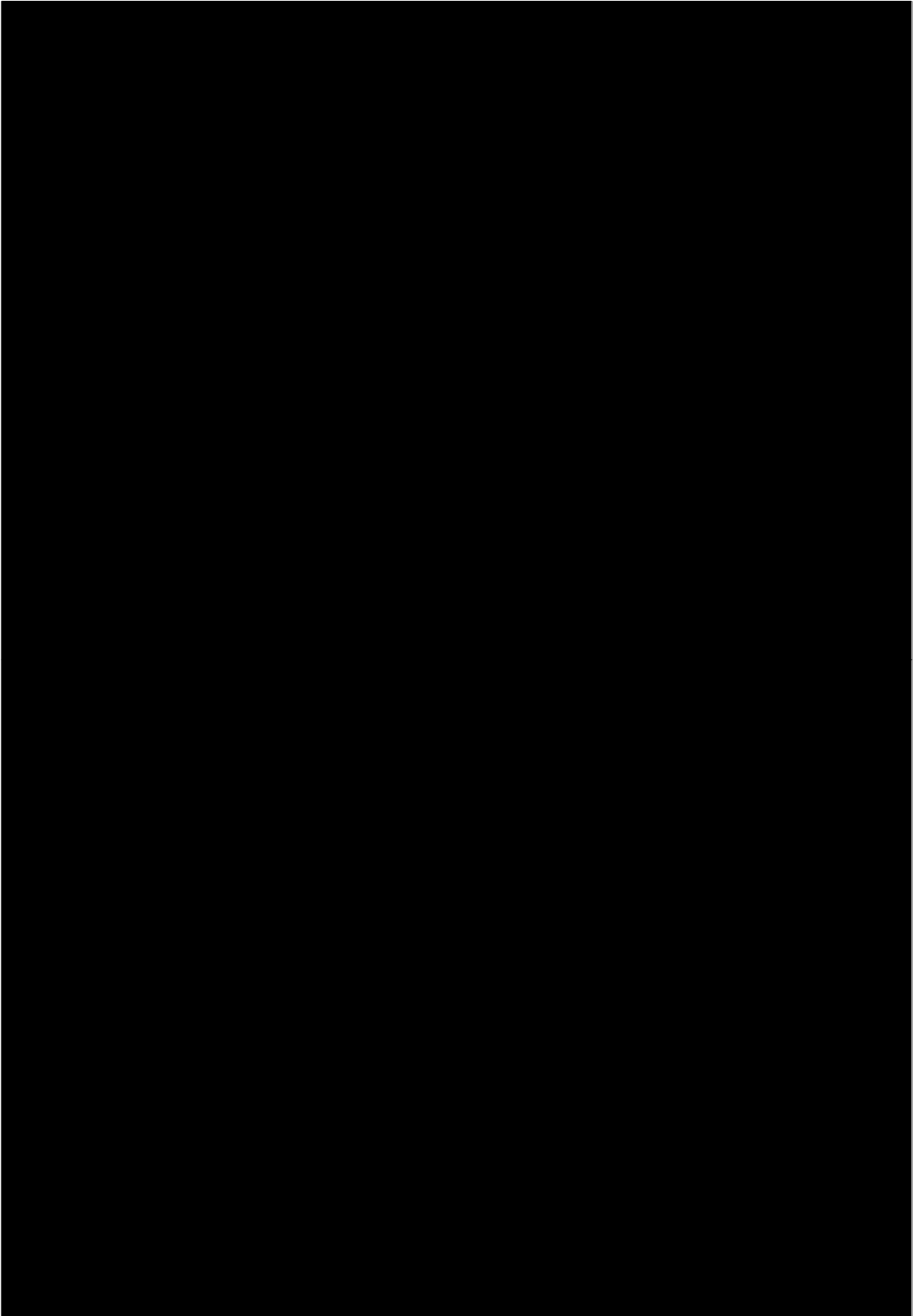
	<p>1 THE WITNESS: Chrome OS makes use of all</p> <p>2 of the Web APIs for developing applications with</p> <p>3 HTML5 and JavaScript.</p> <p>4 BY MS. HURST:</p> <p>5 Q Other than HTML5 and JavaScript, are there</p> <p>6 any other developer-oriented APIs associated with</p> <p>7 Chrome OS?</p> <p>8 MR. RAGLAND: Same objections.</p> <p>9 THE WITNESS: We allow people to write</p> <p>10 applications in native languages like C using a</p> <p>11 facility called Native Client.</p> <p>12 BY MS. HURST:</p> <p>13 Q And is that Native Client associated with</p> <p>14 some other platform?</p> <p>15 MR. RAGLAND: Objection to form and</p> <p>16 outside the scope.</p> <p>17 THE WITNESS: What -- what other</p> <p>18 platforms?</p> <p>19 BY MS. HURST:</p> <p>20 Q Well, for example, the JNI interface as</p> <p>21 part of the Java platform is a way of allowing</p> <p>22 people to integrate applications written in native</p> <p>23 languages.</p> <p>24 Are you using --</p> <p>25 A We don't support Java on Chrome OS.</p> <p style="text-align: right;">Page 56</p>
<p>22 Q Does the Chrome OS have a set of developer</p> <p>23 APIs?</p> <p>24 MR. RAGLAND: Objection to form, outside</p> <p>25 the scope.</p> <p style="text-align: right;">Page 55</p>	<p>1 MR. RAGLAND: We've been going about an</p> <p>2 hour. When it's a convenient time for a break...</p> <p>3 MS. HURST: Just a few moments and I'll be</p> <p>4 ready.</p> <p>5 MR. RAGLAND: That's fine.</p> <p>6 BY MS. HURST:</p> <p>7 Q So the Native Client that you mentioned,</p> <p>8 is that associated with JavaScript? What's it</p> <p>9 associated with?</p> <p>10 MR. RAGLAND: Objection to form and</p> <p>11 outside the scope.</p> <p>12 THE WITNESS: It's associated with C</p> <p>13 primarily, C++.</p> <p>14 BY MS. HURST:</p> <p>15 Q And is that -- is that built into</p> <p>16 Chrome OS, that Native Client capability?</p> <p>17 MR. RAGLAND: Same objections.</p> <p>18 THE WITNESS: Yes.</p> <p>19 MS. HURST: All right. This is a</p> <p>20 convenient time if you'd like a break.</p> <p>21 MR. RAGLAND: Thank you.</p> <p>22 THE VIDEOGRAPHER: Going off the record.</p> <p>23 The time is 10:57.</p> <p>24 (Recess taken.)</p> <p>25 THE VIDEOGRAPHER: We're back on the</p> <p style="text-align: right;">Page 57</p>

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<p>1 record. The time is 11:09.</p> <p>2 BY MS. HURST:</p> <p>3 Q Mr. Lin, other than the Chrome browser,</p> <p>4 are there any Google applications that are routinely</p> <p>5 distributed with Chrome OS?</p> <p>6 MR. RAGLAND: Objection; outside the</p> <p>7 scope.</p> <p>8 THE WITNESS: We don't actually distribute</p> <p>9 them, but we provide links to things like Google</p> <p>10 Docs, Google Drive and other services that are</p> <p>11 helpful to end users as part of that platform.</p> <p>12 BY MS. HURST:</p> <p>13 Q And when you say "links," do you mean a</p> <p>14 link in a browser or a link on a home page? What</p> <p>15 are you referring to?</p> <p>16 A It's an application launcher.</p> <p>17 Q And are there any non-Google services or</p> <p>18 applications that are routinely distributed with the</p> <p>19 Chrome OS?</p> <p>20 MR. RAGLAND: Same objections.</p> <p>21 THE WITNESS: Adobe Flash and various --</p> <p>22 various codecs.</p> <p>23 BY MS. HURST:</p> <p>24 Q Any others?</p> <p>25 A Not that come to mind immediately.</p> <p style="text-align: right;">Page 58</p>	 <p>7 Q Pardon me.</p> <p>8 Returning to Exhibit 5003 that you have in</p> <p>9 front of you, there's a -- page 7, you see a series</p> <p>10 of numbered paragraphs there, 2 through 8.</p> <p>11 A Uh-huh.</p> <p>12 Q Have you seen this document before?</p> <p>13 A This is the first time I've seen this.</p> <p>14 Q Okay.</p> <p>15 Topic 3 is listed as:</p> <p>16 "Google Play Services,</p> <p>17 including the nature, purpose and</p> <p>18 operation of Google Play Services,</p> <p>19 your licensing, marketing,</p> <p>20 advertising or distribution thereof</p> <p>21 and any cost, expenses or revenue</p> <p>22 associated with Google Play</p> <p>23 Services."</p> <p>24 Do you see that topic?</p> <p>25 A Yes.</p> <p style="text-align: right;">Page 60</p>
<p>1 Q And when you say "codecs," do you mean</p> <p>2 applications that assist with the use of audio or</p> <p>3 video?</p> <p>4 A Yes.</p> <p>5 Q Is there any kind of a market for</p> <p>6 downloading applications for Chrome OS?</p> <p>7 A We have a Chrome Web Store.</p> <p>8 Q And approximately how many non-Google</p> <p>9 applications are available in the Chrome Web Store?</p> <p>10 MR. RAGLAND: Objection; outside the</p> <p>11 scope.</p> <p>12 THE WITNESS: I think it's in the tens of</p> <p>13 thousands.</p>  <p style="text-align: right;">Page 59</p>	<p>1 Q And is it your understanding that you are</p> <p>2 proffered here by Google to testify today on some</p> <p>3 portion of Topic 3?</p> <p>4 A Yes.</p> <p>5 Q And -- and using your own words, what's</p> <p>6 your understanding of that aspect of Topic 3 that</p> <p>7 you're to cover?</p> <p>8 A Just exactly what it says here: The</p> <p>9 purpose and operation of Google Play Services for</p> <p>10 what it is and how it's used.</p> <p>11 Q All right.</p> <p>12 MR. RAGLAND: Actually, if I could refer</p> <p>13 back to the discussions we've had among counsel as</p> <p>14 to the scope of Topic 3, we're presenting Mr. Lin on</p> <p>15 the aspect of Topic 3 related to licensing,</p> <p>16 marketing, advertising or distribution of Google</p> <p>17 Play Services.</p> <p>18 BY MS. HURST:</p> <p>19 Q All right.</p> <p>20 Did you hear that proffer by your counsel,</p> <p>21 Mr. Lin?</p> <p>22 A I did.</p> <p>23 Q And do you consent to testify here today</p> <p>24 on behalf of Google, Inc. regarding the licensing,</p> <p>25 marketing, advertising or distribution of Google</p> <p style="text-align: right;">Page 61</p>

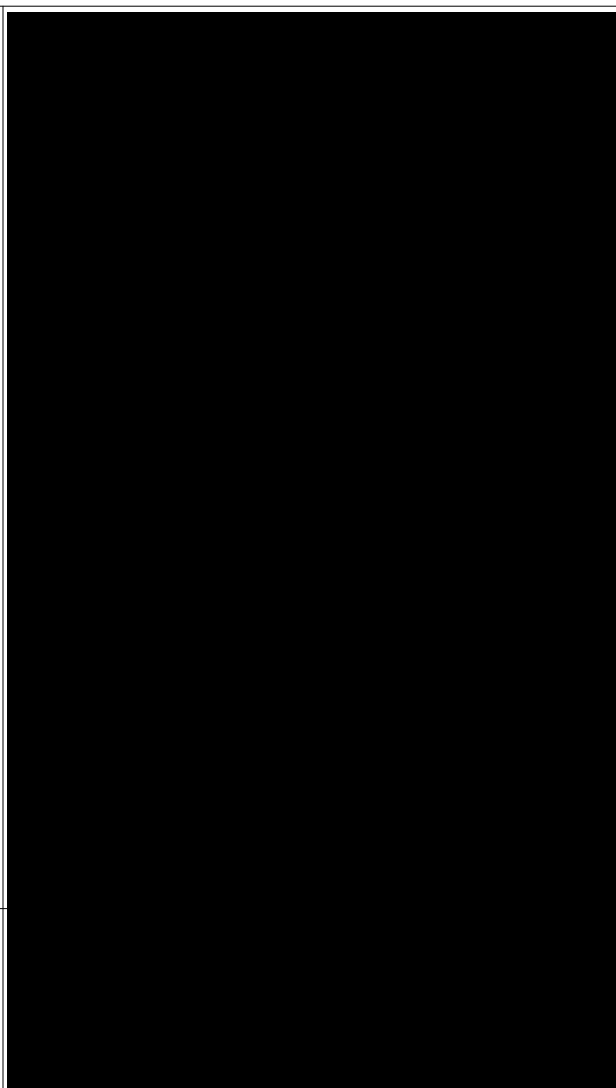
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<p>1 Play Services? 2 A Yes. 3 MS. HURST: Do you want to make a similar 4 proffer with respect to Topic 4, Mr. Ragland? 5 MR. RAGLAND: No. 6 MS. HURST: So it's all of Topic 4, 7 correct? 8 MR. RAGLAND: All of Topic 4. There is a 9 limitation on Topic 5. We can get to that whenever 10 you like. 11 MS. HURST: All right. 12 BY MS. HURST: 13 Q So, Mr. Lin, you heard Mr. Ragland state 14 that you're being offered to testify on all of 15 Topic 4, true? 16 A Uh-huh. 17 Q Yes? 18 A Yes. 19 BY MS. HURST: 20 Q Thanks. 21 And do you consent to testify on Topic 4 22 on behalf of Google? 23 A Yes. 24 MS. HURST: All right. Mr. Ragland, do 25 you want to make your designation with respect to</p> <p style="text-align: right;">Page 62</p>	<p>1 A Just had some conversations with our 2 lawyers. 3 Q And when did those conversations occur and 4 approximately how long did they last? 5 A It was a few hours on Thursday. 6 Q Did you undertake any other efforts to 7 prepare specifically to testify on Topics 3, 4 or 5? 8 A I took a quick look at a couple of 9 agreements that they showed me. 10 Q And were those agreements that you were 11 already familiar with? 12 A Yes. 13 Q And did they refresh your recollection in 14 any way when you looked at those agreements in order 15 to prepare yourself? 16 A Yes. 17 Q Which agreements were they?</p>
<p>1 Topic 5? 2 MR. RAGLAND: Sure. As to Topic Number 5, 3 Mr. Lin is designated to testify as to mobile 4 agreements with OEMs or carriers regarding Google 5 services on non-Android devices. And by "Google 6 services," that's defined as Google Mobile Services 7 and Google Play Services. 8 MS. HURST: Well, I'm not sure that's how 9 we defined it. I think it was broader than that, 10 but that's all right. I think we understood the 11 designation on Topic 5 to be broader than that based 12 on the prior correspondence. I'm not sure there's 13 much we can do about that right now. 14 BY MS. HURST: 15 Q You've heard, Mr. Lin, your counsel's 16 proffer as to your designation on Topic 5? 17 A Yes. 18 Q And do you consent to testify on behalf of 19 Google with respect to Topic 5 as identified by your 20 counsel? 21 A Yes.</p>	<p style="text-align: right;">Page 65</p>





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6 that was just a generic Apache Version 2 license?

7 A Yes.

8 Q What is Google Mobile Services?

9 A Google Mobile Services is a bundle of
10 Google's first-party mobile applications.

11 Q What is Google Play Services?

12 A Google Play Services is a set of
13 applications that don't have a specific user
14 interface, but they provide core application
15 functionality.

16 Q Is Google Mobile Services for Android or
17 non-Android operating systems or both?

18 MR. RAGLAND: Objection to form.
19 You can answer.

20 THE WITNESS: So Google Mobile Services
21 includes the first-party apps on Android. Google
22 Mobile Services include the first-party applications
23 that most people are familiar with, which include
24 things like Gmail, Chrome, YouTube. And for iOS,
25 that's what people think of when they think of

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19 (Pages 70 - 73)

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<p>1 Google Mobile Services. 2 On Android, in addition to the 3 applications I described, there's also the Google 4 Play Store, which is where applications can be 5 downloaded, and Play Services are the application 6 services that on Android enable things like Play 7 Services to operate. So it's services like 8 authentication and, you know, all of the additional 9 services required to keep track of, you know, 10 in-application payments, things like that. 11 So I think of them as -- refer to them as 12 headless applications because they don't actually 13 have a interface that users typically interoperate 14 with. 15 BY MS. HURST: 16 Q Similar to the codecs you mentioned for 17 Chrome OS, for example? 18 A That's right. That's right. 19 Q Now, these headless applications in Google 20 Play Services, did any of that functionality -- has 21 any of that functionality ever been provided as part 22 of the Android platform? 23 MR. RAGLAND: Objection; outside the scope 24 and form. 25 THE WITNESS: I do not believe so.</p> <p style="text-align: right;">Page 74</p>	<p>1 automatically included as part of that? 2 A That's right. 3 Q So why not include these headless 4 applications in the Android platform itself? 5 MR. RAGLAND: Objection to form, outside 6 the scope of noticed topics. 7 THE WITNESS: In the absence of Google's 8 first-party applications and the Play Store, they're 9 not relevant. 10 BY MS. HURST: 11 Q Well, in-application payments is something 12 that certainly could be done without a Google 13 application, true? 14 MR. RAGLAND: Objection to form, outside 15 the scope. 16 THE WITNESS: There are so many ways to 17 implement the in-app payments that without the 18 specific rest of the solution, I'm not sure it would 19 be relevant. 20 BY MS. HURST: 21 Q Relevant to what? 22 A To Android. 23 Q Well, does Android, for example, support 24 payment processing in connection with Near Field 25 Communications?</p> <p style="text-align: right;">Page 76</p>
<p>1 BY MS. HURST: 2 Q Prior to -- well, how long has Google Play 3 Services been around? 4 A I don't actually know. 5 Q Was Google Play Services available at 6 the -- at the initial launch of Android? 7 A I don't think so. 8 Q It came about later, true? 9 A That's correct.</p> <div style="background-color: black; height: 150px; width: 100%;"></div> <p>19 Q When you say "the bundle," what are you 20 referring to? 21 A The Google mobile applications, so it 22 would be the set of applications, Mail, YouTube, 23 Chrome, Google Hangouts, Google Photos, Google Docs 24 and Drive, Play Music. 25 Q So the Google Play Services are</p> <p style="text-align: right;">Page 75</p>	<p>1 MR. RAGLAND: Objection; outside the 2 scope, also form. 3 THE WITNESS: I don't think Android 4 provides those facilities directly in any of the 5 major releases of Android. However, I believe that 6 phone manufacturers and other third parties have the 7 ability to add those capabilities to their specific 8 implementations. 9 BY MS. HURST: 10 Q Does Google Wallet work with Near Field 11 Communications? 12 MR. RAGLAND: Same objections. 13 THE WITNESS: Google Wallet requires NFC, 14 Near Field Communications. The -- yes. 15 BY MS. HURST: 16 Q And is Google Wallet a first-party Google 17 application? 18 A I'd have to double check. I don't think 19 Google Wallet is part of GMS today. 20 Q Is Google Wallet compatible with the 21 Android platform? 22 MR. RAGLAND: Objection to form, outside 23 the scope. 24 THE WITNESS: Google Wallet is compatible 25 with Android.</p> <p style="text-align: right;">Page 77</p>

1 BY MS. HURST:

2 Q When you said that third parties have the
3 ability to add Near Field Communication capabilities
4 to their specific implementations, did you mean they
5 have the ability to use Google Wallet or some --
6 something else?

7 A So with every release of Android, we have
8 a compatibility definition document which stipulates
9 the minimum set of functionality and features that
10 we expect to be part of the platform. Beyond that,
11 hardware manufacturers can really implement and add
12 any features and functionality that they would like
13 to add.

14 So depending on what version of Android
15 you're talking about, you know, we constantly add
16 new features, and in newer releases, that additional
17 functionality, then, becomes part of the
18 compatibility requirement.

19 So in earlier releases, there may be some
20 things that we didn't require, and later releases,
21 we've added more of those. But at any point in
22 time, the hardware manufacturers can add things that
23 are not part of the general platform.

24 So, for example, Samsung today has Samsung
25 Pay, which uses some patented technology that they

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1 have, which is not NFC based and allows the Samsung
2 hardware to actually work with magnetic stripe
3 readers. So it's an alternate payment solution, and
4 that's not part of the standard Android platform.

5 Q It's also not part of Google Play
6 Services, as you've described it, true?

7 A Samsung play -- Samsung Pay is not part of
8 Google Play Services.

9 Q Is there any technical reason why
10 everything in Google Play Services could not be
11 included as part of the basic Android platform?

12 MR. RAGLAND: Objection to form and
13 outside the scope of noticed topics.

14 THE WITNESS: Well, Google Play Services
15 are proprietary, just like Google first-party apps,
16 like Gmail, YouTube. So there's no reason why
17 Google would necessarily want to make it open
18 source, and even if we did, you know, other -- other
19 third parties might look for ways to do things
20 differently.

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2 Q Is it true that headless applications
3 generally are not visible to the end user?

4 MR. RAGLAND: Objection to form.

5 THE WITNESS: Users don't have a direct
6 interface like they do with Gmail. However, we're
7 not -- we don't hide them from the user, so if a
8 user is interested in seeing what programs are
9 running on their Android device, they'll see it.

10 BY MS. HURST:

11 Q But -- but users generally don't instruct,
12 directly or otherwise -- interact directly with
13 headless applications, true?

14 MR. RAGLAND: Objection to form and scope.

15 THE WITNESS: I think it's a matter of how
16 you would describe it. I mean, part of -- for
17 example, the -- one of the services, authentication
18 services, the user is signing in or they're signed
19 in to Android, and we're keeping track of that.

20 Does that mean that they are trying to
21 engage with the log-in? I mean, in some ways it's
22 happening, you know, behind the scenes for them.
23 They are actively engaged with it, but not in those
24 same way that they might think of when they're
25 talking about composing e-mail or reading e-mail.

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<p>1 BY MS. HURST:</p> <p>2 Q What does the application -- pardon me, I</p> <p>3 misspoke. Strike that.</p> <p>4 What does the authentication functionality</p> <p>5 of Google Play Services provide?</p> <p>6 A It ensures that the person we think is</p> <p>7 signed in and going to purchase something is</p> <p>8 actually the person who is that account owner.</p> <p>9 Q And is there any reason why you would not</p> <p>10 want that to be true for every single device running</p> <p>11 the Android platform?</p> <p>12 MR. RAGLAND: Objection to form and</p> <p>13 outside the scope of noticed topic.</p> <p>14 THE WITNESS: It's -- it's not strictly up</p> <p>15 to us to decide that there should be only one</p> <p>16 authentication mechanism for all devices and that we</p> <p>17 should have access to all that information.</p> <p>18 BY MS. HURST:</p> <p>19 Q Is there authentication capability built</p> <p>20 into the Android platform, apart from that in GPS?</p> <p>21 MR. RAGLAND: Same objections.</p> <p>22 THE WITNESS: What's -- what's GPS?</p> <p>23 BY MS. HURST:</p> <p>24 Q Google Play Services.</p> <p>25 A Oh. Different manufacturers of devices,</p> <p style="text-align: right;">Page 82</p>	<p>1 Services.</p> <p>2 BY MS. HURST:</p> <p>3 Q But that would not be part of the Android</p> <p>4 platform, true?</p> <p>5 MR. RAGLAND: Same objections.</p> <p>6 THE WITNESS: It's part of -- well, it's</p> <p>7 part of their Android solution.</p> <p>8 BY MS. HURST:</p> <p>9 Q Is that the Android platform?</p> <p>10 A How are you defining "the Android</p> <p>11 platform"?</p> <p>12 Q Well, the Android platform is the thing</p> <p>13 that Google provides, right?</p> <p>14 MR. RAGLAND: Objection to form.</p> <p>15 THE WITNESS: The Android platform -- if</p> <p>16 you're talking -- if what you mean is the Android</p> <p>17 open source release, the Android open source release</p> <p>18 I do not believe has any authentication built in,</p> <p>19 and it's only what third-party manufacturers add to</p> <p>20 the open source release that actually provides that.</p> <p>21 So -- again, so I'm not sure what you mean</p> <p>22 by "platform." Android open source platform, from</p> <p>23 that standpoint, doesn't actually exist in that form</p> <p>24 on any device. There's nobody that ships that</p> <p>25 particular release of software in that way. They</p> <p style="text-align: right;">Page 84</p>
<p>1 in addition to using Google accounts to operate all</p> <p>2 the Google Mobile Services, also create their own</p> <p>3 accounts so that they can sell content, services and</p> <p>4 applications, and carriers also create accounts on</p> <p>5 phones, and they have their own authentication</p> <p>6 mechanism to doing so.</p> <p>7 So it's not clear that single</p> <p>8 authentication mechanism is either, A, what the</p> <p>9 users would want, B, what the developers -- content</p> <p>10 developers or application creators would want and,</p> <p>11 C, it's unclear that you could have a single</p> <p>12 authentication mechanism that would satisfy the</p> <p>13 requirements of folks like the carriers.</p> <p>14 MS. HURST: All right. Let me try this</p> <p>15 again. I'm going to move to strike that as</p> <p>16 nonresponsive.</p> <p>17 BY MS. HURST:</p> <p>18 Q Is there authentication capability built</p> <p>19 into the Android platform apart from that of Google</p> <p>20 Play Services?</p> <p>21 MR. RAGLAND: Objection to form and beyond</p> <p>22 the scope of noticed topics.</p> <p>23 THE WITNESS: So what I would say is every</p> <p>24 device is different, and I can tell you that there</p> <p>25 are devices that have more than just Google Play</p> <p style="text-align: right;">Page 83</p>	<p>1 always add to it.</p> <p>2 BY MS. HURST:</p> <p>3 Q Has that always been the case?</p> <p>4 A Yes. I can't think of anybody -- like I</p> <p>5 said, I can't think of anybody who just ships a</p> <p>6 phone with only Android open source and nothing</p> <p>7 else.</p> <p>8 MS. HURST: Mr. Ragland, more than 100</p> <p>9 agreements related to these topics were produced on</p> <p>10 Friday and more than a thousand documents from this</p> <p>11 witness' custody were produced on Saturday night at</p> <p>12 11:00 p.m. We have not yet had the opportunity to</p> <p>13 load and process those documents for use in</p> <p>14 connection with this deposition.</p> <p>15 It is, therefore, my proposal to you that</p> <p>16 we conduct about half of this deposition today and</p> <p>17 that we adjourn the other half to a date when we</p> <p>18 have had an opportunity to review those and any</p> <p>19 other documents that are forthcoming associated with</p> <p>20 these topics and from the custody of this witness.</p> <p>21 The reason I'm raising this with you now</p> <p>22 is because I need your agreement that you're not</p> <p>23 going to assert either the cutoff or the seven-hour</p> <p>24 limit in light of our decision to proceed today with</p> <p>25 the late production of documents.</p> <p style="text-align: right;">Page 85</p>

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<p>1 And if we can't come to an agreement on 2 that, then it's my intention to attempt to contact 3 Magistrate Judge Ryu to assist in resolution of the 4 matter, given the late production of documents. I 5 don't think enormous recriminations are necessary. 6 We're prepared to engage in them if required, but 7 I'm trying to propose a reasonable solution rather 8 than that approach. So...</p> <p>9 MR. RAGLAND: Well, why don't we -- it's 10 about noon. I don't know when you're planning to 11 take a lunch break, but I agree it's not helpful to 12 get into a back and forth on the transcript here. 13 Why don't we discuss it after a break.</p> <p>14 MS. HURST: Okay. The only thing I would 15 say to that is I would like -- if we're going to 16 need the magistrate's assistance, to try to contact 17 her chambers at the lunch break in order to see if 18 she's available this afternoon.</p> <p>19 Would it be reasonable to take a short 20 break now, allow you all to confer amongst 21 yourselves and with your colleagues and then come 22 back and see whether you think we're going to be 23 amenable to some agreement on that so that I know 24 whether to contact the magistrate over the lunch 25 hour?</p> <p style="text-align: right;">Page 86</p>	<p>1 (Recess taken.)</p> <p>2 THE VIDEOGRAPHER: We're back on the 3 record. The time is 12:14.</p> <p>4 MR. RAGLAND: Okay. So here's our 5 position: This is the first we've heard of any 6 complaint about production of custodial documents 7 related to Mr. Lin. We're all working on producing 8 documents as fast as we can, given the truncated 9 discovery period.</p> <p>10 One thing that's frustrated our production 11 is, in fact, Oracle's ever-shifting demands on items 12 like ESI terms and -- which still we haven't closed 13 out, despite more than a month of meeting and 14 conferring on, and we think we have a deal, but we 15 still haven't heard back since at least last 16 Thursday, I believe. And so it's a moving target. 17 Also with pre-2011 production, there are issues.</p> <p>18 And so we're working through all of that 19 as quickly as we can. The volume associated with 20 Mr. Lin, although I don't have the exact numbers on 21 hand -- perhaps you do -- I know it's much smaller 22 than with many other witnesses. And so we're 23 basically all doing what we can to prepare for the 24 depositions as much as we can.</p> <p>25 You can choose to proceed today. Mr. Lin</p> <p style="text-align: right;">Page 88</p>
<p>1 MR. RAGLAND: That's fine. Obviously, 2 there's a number of questions that spring to my mind 3 with regard to, you know, situations of witnesses 4 that we may have had late production of documents 5 given that we're all rushing to get things out, but 6 we can talk about those details. Maybe we can come 7 back from a break.</p> <p>8 MS. HURST: All right. Well, so -- I 9 mean, you can try to turn this into a global 10 stipulation. I don't know that that's going to be 11 successful, and I hope we won't go down that road, 12 because it's my understanding that almost without 13 exception, we produced the documents from the 14 custody of each witness who's been deposed at least 15 six days in advance of that deposition. That was 16 not true here.</p> <p>17 MR. RAGLAND: I don't believe that's 18 accurate. But, again, I don't necessarily want to 19 spend time arguing about this right now.</p> <p>20 Why don't we take a short break, 10 21 minutes or so, and come back and we'll have each 22 other's position.</p> <p>23 MS. HURST: All right. Thank you.</p> <p>24 THE VIDEOGRAPHER: Going off the record. 25 The time is 11:52.</p> <p style="text-align: right;">Page 87</p>	<p>1 is here, he's available for both 30(b)(6) and 2 percipient testimony for seven hours, and that's 3 where we are.</p> <p>4 MS. HURST: So you're refusing to agree 5 either to hold open the deposition to a date past 6 the cutoff or to agree to waive the seven-hour 7 requirement in light of the late production?</p> <p>8 MR. RAGLAND: Well, I would take issue 9 with the characterization of a late production. And 10 we're not making agreement with that. I did ask 11 whether or not there's any reciprocity here because 12 obviously Oracle is producing documents, large 13 volumes of documents, very close to depositions of 14 witnesses. But you don't want to talk about that, 15 so if we're just here talking about Mr. Lin, he's 16 here. You should depose him, and we're not -- we've 17 got other depositions coming up that we're all 18 working to cover and, you know, you should proceed.</p> <p>19 MS. HURST: Okay. Let me ask you a couple 20 of questions, Mr. Ragland. For production, we 21 received Saturday night at 11:00 p.m. When exactly 22 do you think we should have raised it between then 23 and now?</p> <p>24 MR. RAGLAND: You can raise issues. 25 You've had no shyness about raising issues whenever</p> <p style="text-align: right;">Page 89</p>

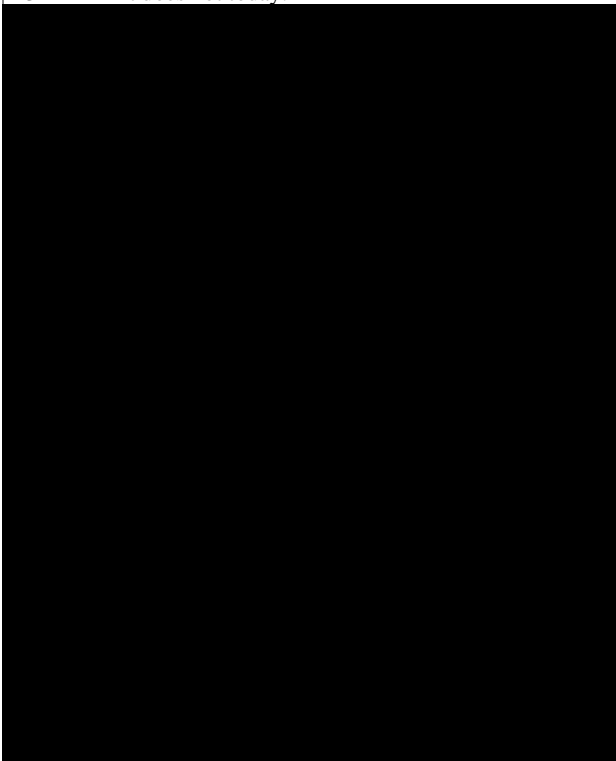
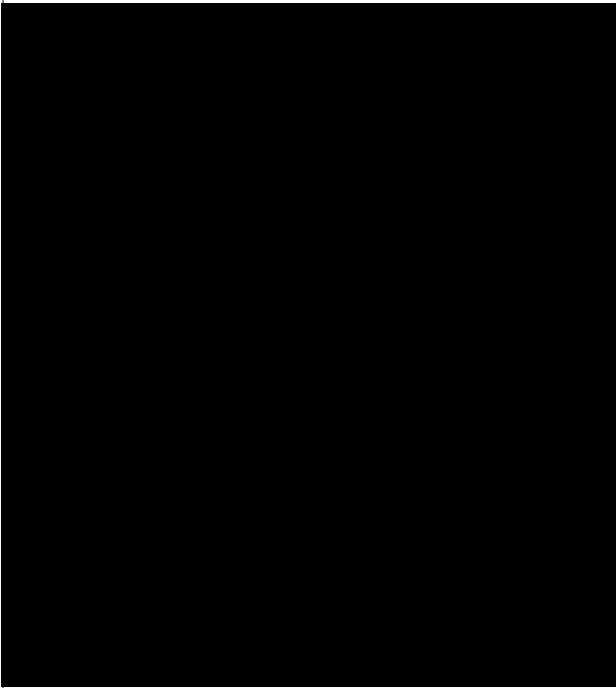
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<p>1 you think there's problems. So you could have 2 raised them. 3 MS. HURST: On Sunday at 2:00 p.m.? 4 Sunday at 4:00 p.m.? Exactly when, Mr. Ragland? 5 MR. RAGLAND: Okay. The sort of snide 6 tone is not appreciated. I will say -- 7 MS. HURST: It's also not appreciated -- 8 MR. RAGLAND: Excuse me. Excuse me. I 9 will say that for witnesses for whom I'm 10 responsible, I looked in advance to find out whether 11 or not the documents I think that are necessary to 12 prepare to take that deposition are available. If I 13 had any questions, I would have raised that. So 14 whenever you start preparing, if you thought, oh, 15 there may be documents that haven't been produced 16 that are necessary for my preparation, that's the 17 time I would have reached out. 18 MS. HURST: All right. Judge Alsup's 19 order says: 20 "If documents are produced in 21 a time frame that cannot be used 22 for a deposition, the deposition 23 can be reopened." 24 It already says that in Judge Alsup's Case 25 Management Order.</p> <p style="text-align: right;">Page 90</p>	<p>1 11:03 p.m., then I am going to seek relief from the 2 magistrate judge. So it's up to you whether you 3 want to reach a stipulation about this witness. 4 We'll certainly happily meet and confer about any 5 problems you identify on our side, specifically the 6 people responsible for those witnesses will deal 7 with it. We're here now with this witness. 8 MR. RAGLAND: Well, initially a thousand 9 documents is actually a very small volume given 10 the -- given the case and given the production 11 demands of lots of irrelevant information that 12 Oracle has made. 13 That aside -- 14 MS. HURST: Are you representing that the 15 documents you produced on Saturday night were 16 responsive only to our keywords and not to any of 17 yours; is that your representation? 18 MR. RAGLAND: I'm not making 19 representations about what was and was not produced 20 on Saturday. 21 MS. HURST: Then please refrain from 22 asserting that somehow those documents were produced 23 out of the goodness of your heart for us. 24 MR. RAGLAND: Usually meeting and 25 conferring involves an actual attempt to meet and</p> <p style="text-align: right;">Page 92</p>
<p>1 You produced more than a thousand 2 documents from this witness on Saturday night at 3 11:03 p.m. Our -- our document vendor hasn't even 4 been able to load those documents into our 5 relativity database yet. 6 You'll appreciate, Mr. Ragland, that I 7 don't usually take opposing counsel's word for it as 8 to whether I need documents to complete a deposition 9 or not. And the bind that you've put us in is that 10 I don't know what's in there, and if I go seven 11 hours with this witness today, you'll take the 12 position that I can't continue later. That is a 13 bind that is entirely of your making. 14 You have -- in terms of reciprocity, you 15 haven't identified any witness by name for whom this 16 is a problem for your side. And if you do, the 17 people responsible for that witness will be more 18 than happy to meet and confer about it and reach 19 agreements that are appropriate in light of the 20 circumstances. We're here right now with respect to 21 this witness. 22 So if you're not going to agree to provide 23 us with some relief from the fact that you produced 24 a huge volume of documents relevant to this 25 deposition on Friday at 7:14 p.m. and Saturday at</p> <p style="text-align: right;">Page 91</p>	<p>1 confer rather than accusations with a tone of voice 2 that is completely improper. 3 MS. HURST: I made a very specific 4 proposal about how to resolve this. I gave you two 5 options; those have been on the table since the 6 beginning. You came in and just completely rejected 7 all of that. So don't tell me about whether meet 8 and confers can be constructive or not when you're 9 not putting anything on the table designed to 10 resolve the situation. 11 MR. RAGLAND: My question was actually 12 going to be -- if you would stop for a second and 13 actually listen to what I'm saying rather than just 14 trying to fight, is: What exactly are you 15 proposing? Are you proposing reserving a set amount 16 of time with regards to those Saturday -- those 17 thousand documents from Saturday? Is that what 18 you're suggesting, or are you suggesting something 19 else? Because I've heard that you want to go seven 20 hours today and then have more time later. So what 21 exactly are you proposing? 22 MS. HURST: Here is what I said before the 23 break: "My proposal to you is that we conduct about 24 half of this deposition today and that we adjourn 25 the other half to a date when we have had an</p> <p style="text-align: right;">Page 93</p>

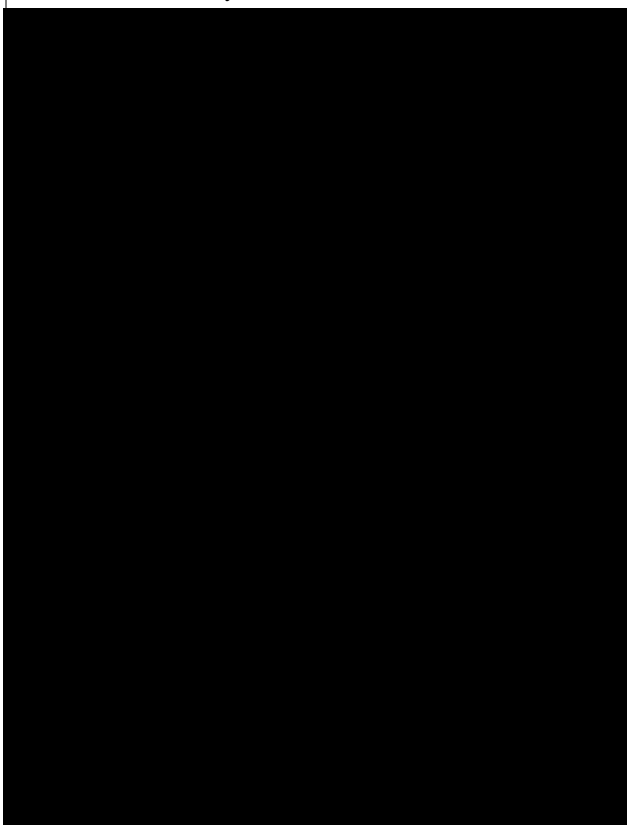
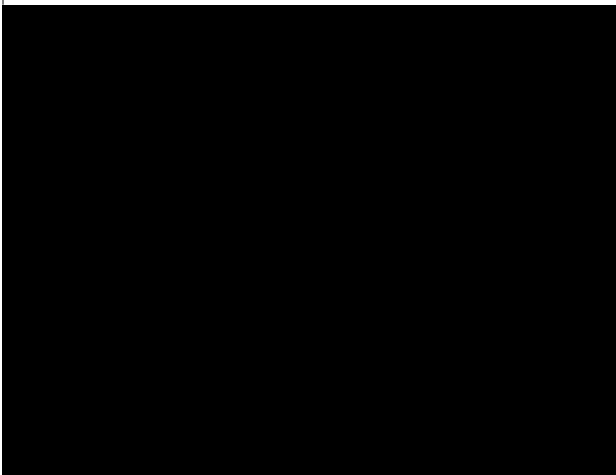
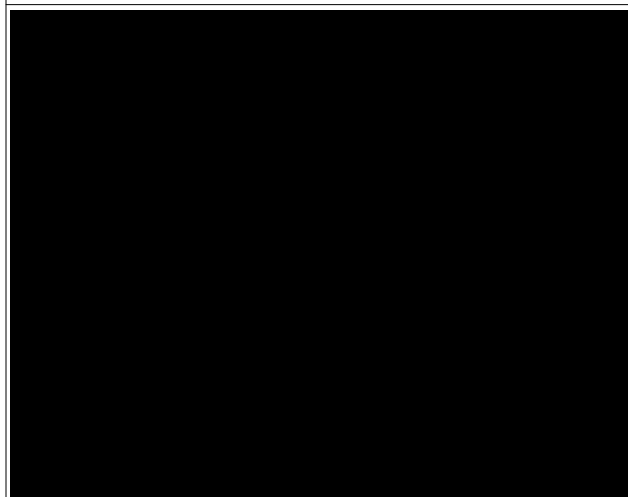
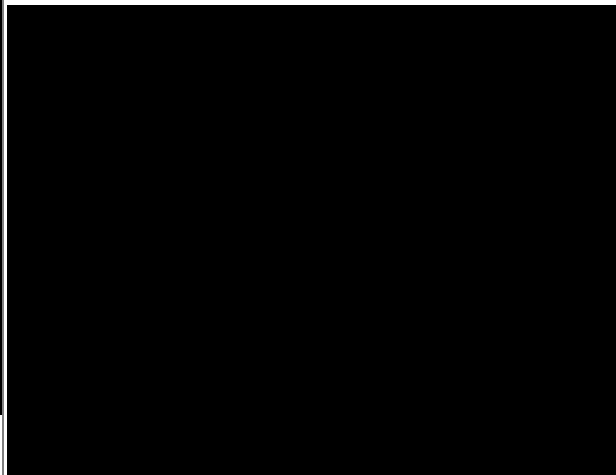
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<p>1 opportunity to review the recently" -- pardon me. I 2 said "those and any other documents that are 3 forthcoming associated with these topics and from 4 the custody of this witness." 5 I'm not going to limit the later 6 examination to things produced on Saturday night 7 because the Friday production is also unusable to 8 us, so -- and I don't know what else might still be 9 coming for this witness. 10 So my proposal was three and a half hours 11 today and another three and a half hours that we 12 adjourn to a mutually-convenient time when we've had 13 a chance to review the documents that have just been 14 produced and any more that are forthcoming. 15 MR. RAGLAND: What later point of time are 16 you proposing? 17 MS. HURST: Is there more forthcoming for 18 this witness and for these topics? 19 MR. RAGLAND: My understanding -- and I 20 can check -- is that everything has been produced 21 with relation to -- to Mr. Lin. I can check on 22 that, but that's my understanding. 23 MS. HURST: What date do you propose? 24 MR. RAGLAND: Well, you're making the 25 proposal. I don't know. Are you talking --</p> <p style="text-align: right;">Page 94</p>	<p>1 loaded yet. 2 MR. RAGLAND: So practically it would 3 be -- I don't know Mr. Lin's availability right now 4 because I don't know the time frame you're asking. 5 Practically you're suggesting it would be Thursday 6 or Friday of this week? 7 MS. HURST: Or early next week. 8 MR. RAGLAND: Or early next week? 9 MS. HURST: Yes, that's what I'm 10 suggesting. 11 MR. RAGLAND: Well, I -- I do want to find 12 out what the -- do you have the volume for the 13 Friday production? 14 MS. HURST: What I have is 1500 pages -- 15 1500-plus pages, which included more than 100 16 agreements that are relevant to Topics 3, 4 and 5. 17 MR. RAGLAND: Okay. So apparently about 18 100 documents comprised about 1500 pages? 19 MS. HURST: Right. There may be other 20 things in that 1500 pages. I don't know. I'm 21 telling you what information I have. Obviously we 22 haven't fully reviewed every single thing yet. 23 MR. RAGLAND: I understand. 24 So I need to -- shall we take a lunch 25 break, a brief one?</p> <p style="text-align: right;">Page 96</p>
<p>1 MS. HURST: Well, I don't know when the 2 witness is available, Mr. Ragland. I wouldn't 3 presume -- usually under local Rule 30 whatever, 4 whatever, the way we do this is the party who's 5 presenting a witness proposes the dates, not the 6 other way around. 7 MR. RAGLAND: What I mean -- and, again, 8 if you would let -- if you would actually have a 9 discussion rather than just looking for 10 opportunities to pounce, I'm asking, do you, in your 11 mind, mean next week? Do you mean January? Do you 12 mean February? 13 What sort of thing -- are you talking 14 about Wednesday? What sort of thing are you talking 15 about? 16 MS. HURST: Well, no. Well, before -- in 17 sufficient time to be used for the first round of 18 expert reports that are due on January 8th, so I 19 would think that that would mean sometime before the 20 Christmas holiday. 21 I don't know, you know, whether we have 22 the documents from Saturday night loaded, or I would 23 be more specific and give you -- say to you, you 24 know, in the next couple of days. I don't think I 25 can do that because we don't have the documents</p> <p style="text-align: right;">Page 95</p>	<p>1 MS. HURST: Sure. 2 MR. RAGLAND: And then we can hopefully 3 figure out where we are after that. I mean, we can 4 do a half hour lunch. 5 MS. HURST: Well, that might be -- is that 6 okay with the reporter? 7 THE REPORTER: (Nods head.) 8 MS. HURST: Okay. I don't know if I can 9 get somewhere and back in half an hour, but I'll do 10 my best. 11 MR. RAGLAND: If you need longer, that's 12 fine as well. 13 MS. HURST: Well, let's call it half an 14 hour and if I'm, you know -- then we'll see where we 15 are. 16 MR. RAGLAND: Okay. 17 MS. HURST: Thank you. 18 THE VIDEOGRAPHER: Going off the record. 19 The time is 12:25. 20 (Lunch recess taken.) 21 THE VIDEOGRAPHER: This marks the 22 beginning of DVD Number 2 in the deposition of Felix 23 Lin. Going back on the record. The time is 1:19. 24 MS. HURST: All right. The parties -- we 25 have resolved our dispute regarding this deposition</p> <p style="text-align: right;">Page 97</p>

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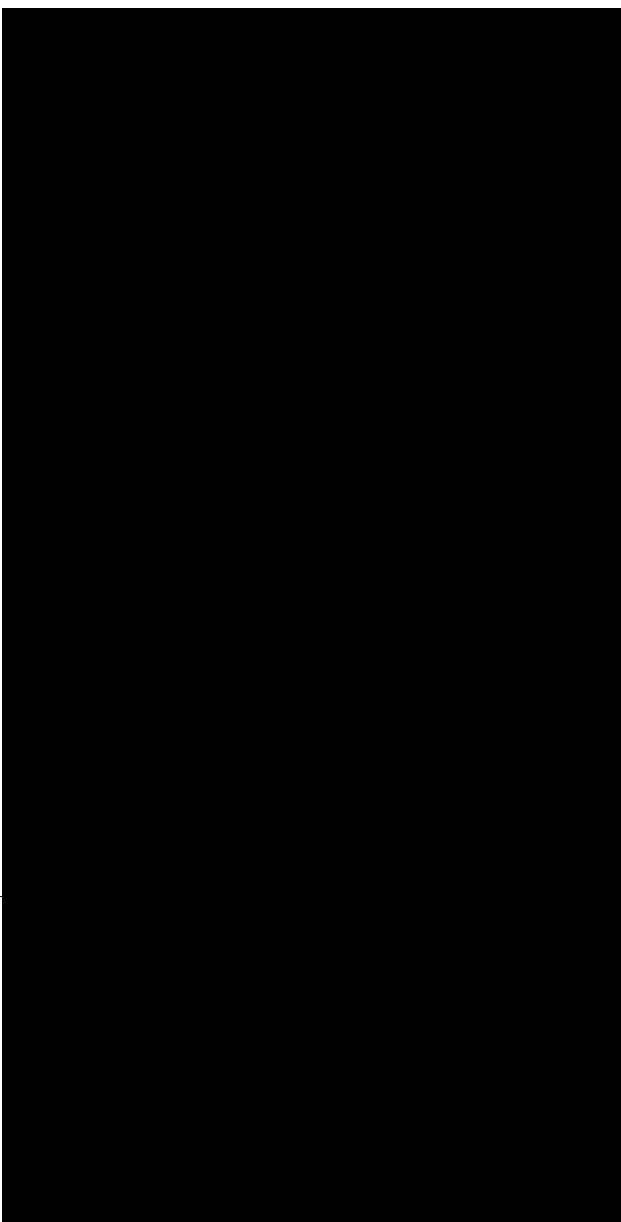
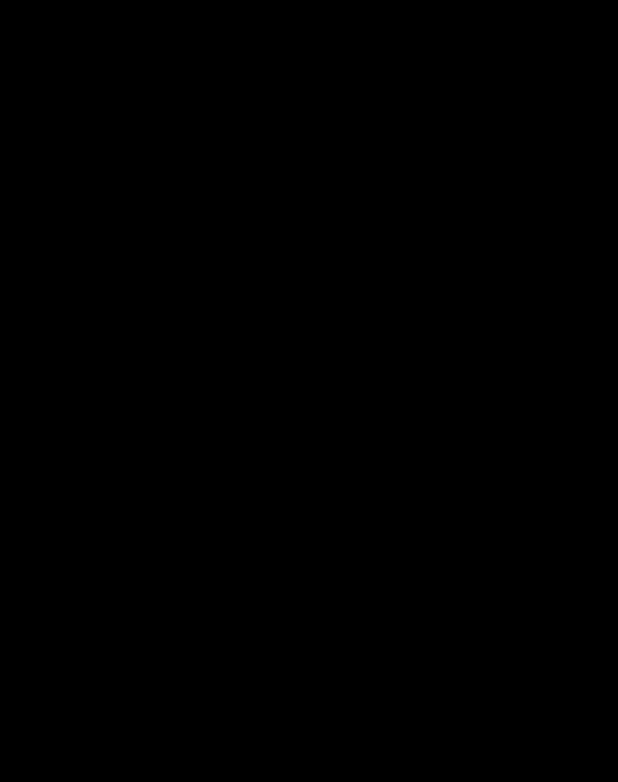
<p>1 and our agreement is as follows: Mr. Ragland, 2 correct me if I state it wrong. We will go four 3 hours on the record today, give or take, we will 4 go -- we will conclude the deposition on Friday 5 morning from 8:00 to 11:00 a.m. at your offices in 6 San Francisco. Google will not assert the discovery 7 cutoff in the meantime as a reason for not 8 completing the deposition on Friday morning, and I 9 think that's probably all we need to say. 10 But if you want to add anything -- 11 MR. RAGLAND: Yeah, I think that's right. 12 And I understand that both -- both sides have a hard 13 stop at 11:00 a.m. on Friday morning. 14 MS. HURST: Agreed. 15 MR. RAGLAND: At our offices, 633 Battery 16 Street. 17 MS. HURST: All right. Thank you for your 18 courtesy and finding a mutually convenient date to 19 resolve the issue. Appreciate it. 20 BY MS. HURST: 21 Q Thank you, Mr. Lin, for agreeing to come 22 to San Francisco. 23 A No problem. Happy to do it. That's fine. 24 Q Mr. Lin, did you have any role in 25 connection with a device called the Pixel C?</p> <p style="text-align: right;">Page 98</p>	<p>1 A They both ran Chrome OS. 2 Q Does the Pixel C run Chrome OS? 3 A It does not today.</p>  <p style="text-align: right;">Page 100</p>
<p>1 MR. RAGLAND: Objection; beyond the scope. 2 THE WITNESS: I did not. 3 BY MS. HURST: 4 Q Are you familiar with that device? 5 A Yes. 6 Q What is it? 7 MR. RAGLAND: Same objection. Beyond the 8 scope of noticed topics. 9 THE WITNESS: It's a tablet with a 10 keyboard. 11 BY MS. HURST: 12 Q Prior to the Pixel C, were there other 13 Google-related products with the -- under the brand 14 Pixel? 15 MR. RAGLAND: Objection; beyond the scope. 16 THE WITNESS: Yes. 17 BY MS. HURST: 18 Q And what were those? 19 A There was the original Pixel, which was a 20 laptop computer, and then there was a Pixel which 21 followed that laptop. 22 Q Also a laptop? 23 A Also a laptop. 24 Q And did those prior Google Pixel laptops, 25 what operating system did they have?</p> <p style="text-align: right;">Page 99</p>	 <p>21 BY MS. HURST: 22 Q When was the Pixel C released? 23 A Just recently. I think it just went on 24 sale. 25 Q Within the last week or so?</p> <p style="text-align: right;">Page 101</p>

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<p>1 A I think so, yeah.</p>  <p>Page 102</p>	<p>1 he reports to Hiroshi.</p> <p>2 Q Mr. Lockheimer?</p> <p>3 A Yeah.</p> <p>4 Q And do you also report to Mr. Lockheimer?</p> <p>5 A I do.</p> <p>6 Q So you and Mr. Bowers are approximately</p> <p>7 peers within the organization?</p> <p>8 A Yes. Uh-huh.</p>  <p>23 BY MS. HURST:</p> <p>24 Q So the Pixel C ultimately shipped with</p> <p>25 Android as an operating system, true?</p> <p>Page 104</p>
 <p>15 Q All right.</p> <p>16 And -- and so just to be clear about the</p> <p>17 distinction, the Pixel C, like the Nexus devices, is</p> <p>18 hardware that is sold directly by Google?</p> <p>19 A That's correct.</p> <p>20 Q And who runs that hardware group that you</p> <p>21 mentioned within Google?</p> <p>22 A The person that is the lead products</p> <p>23 person on that is Andrew Bowers.</p> <p>24 Q And to whom does Mr. Bowers report?</p> <p>25 A I believe -- I'm not certain. I believe</p> <p>Page 103</p>	<p>1 A That's correct.</p> <p>2 MR. RAGLAND: Same objections.</p>  <p>17 Q Did you find the Ars Technica article that</p> <p>18 I marked as Exhibit 5089 to be generally accurate?</p> <p>19 MR. RAGLAND: Objection to form and beyond</p> <p>20 the scope.</p> <p>21 THE WITNESS: I actually thought it was</p> <p>22 interesting from the standpoint of there were a lot</p> <p>23 of things that he wrote about which I didn't know.</p> <p>24 But I don't actually know how much of it is -- is</p> <p>25 accurate.</p> <p>Page 105</p>

27 (Pages 102 - 105)

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<p>1 BY MS. HURST:</p> <p>2 Q Did Exhibit 5089, this article, did it</p> <p>3 prompt any discussion on your part with anybody else</p> <p>4 at Google about the information contained therein?</p> <p>5 MR. RAGLAND: Objection to form and beyond</p> <p>6 the scope.</p> <p>7 THE WITNESS: Other -- other people on the</p> <p>8 team saw it. I think, in general, people thought it</p> <p>9 was an interesting analysis but, you know, there</p> <p>10 wasn't really any discussion beyond that.</p> <p>11 MS. HURST: Exhibit 5090 is a Wall Street</p> <p>12 Journal article dated October 29, 2015, entitled</p> <p>13 "Alphabet's Google to Fold Chrome Operating System</p> <p>14 into Android."</p> <p>15 (Deposition Exhibit 5090 marked</p> <p>16 for identification.)</p> <p>17 BY MS. HURST:</p> <p>18 Q Mr. Lin, did you read this article on or</p> <p>19 about the time it was published?</p> <p>20 A I did.</p> <p>21 Q And what was your reaction to it at the</p> <p>22 time?</p> <p>23 MR. RAGLAND: Objection; outside the</p> <p>24 scope.</p> <p>25 THE WITNESS: My impression was that</p> <p style="text-align: right;">Page 106</p>	
<p>1 somebody who had done some analysis was completely</p> <p>2 misreading what was actually going on.</p>  <p style="text-align: right;">Page 107</p>	<p>10 BY MS. HURST:</p> <p>11 Q What was the goal of creating ARC Welder?</p> <p>12 MR. RAGLAND: Objection to scope.</p> <p>13 THE WITNESS: Are you asking about the</p> <p>14 technical goal or what -- what do you mean?</p> <p>15 BY MS. HURST:</p> <p>16 Q Well, let's start with the technical goal.</p> <p>17 MR. RAGLAND: Same objection, also to</p> <p>18 form.</p> <p>19 THE WITNESS: The technical goal was to</p> <p>20 just make it easier for application developers to</p> <p>21 put the finishing touches on Android applications so</p> <p>22 that they could run on Chrome OS.</p> <p>23 BY MS. HURST:</p> <p>24 Q What were the bus- --</p> <p>25 What was the business goal or goals of</p> <p style="text-align: right;">Page 109</p>

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<p>1 creating ARC Welder?</p> <p>2 MR. RAGLAND: Objection; beyond the scope</p> <p>3 and form.</p> <p>4 THE WITNESS: For Android developers, it</p> <p>5 was to expand the potential market opportunity for</p> <p>6 them.</p> <p>7 BY MS. HURST:</p> <p>8 Q What about for Google?</p> <p>9 MR. RAGLAND: Same objections.</p> <p>10 THE WITNESS: I think for Google it was to</p> <p>11 enable our customers on all platforms to have access</p> <p>12 to as many applications as possible.</p> <p>13 BY MS. HURST:</p> <p>14 Q And how did you expect that wide- -- more</p> <p>15 widespread availability to benefit Google?</p> <p>16 MR. RAGLAND: Objection to form and beyond</p> <p>17 the scope of noticed topics.</p> <p>18 THE WITNESS: Our goal is to build a great</p> <p>19 experience for customers, so the more we can enable</p> <p>20 them to do, the better.</p> <p>21 BY MS. HURST:</p> <p>22 Q And how does that benefit Google?</p> <p>23 MR. RAGLAND: Same objections.</p> <p>24 THE WITNESS: Happier customers spend more</p> <p>25 time online.</p> <p style="text-align: right;">Page 110</p>	<p>1 BY MS. HURST:</p> <p>2 Q And what enables Google to --</p> <p>3 MR. RAGLAND: Sorry. Were you finished</p> <p>4 with your answer? I'm just making sure there's not</p> <p>5 interruption.</p> <p>6 THE WITNESS: Yes. Okay. Thanks.</p> <p>7 BY MS. HURST:</p> <p>8 Q And what enables Google to invest in those</p> <p>9 products?</p> <p>10 MR. RAGLAND: Objection; form and beyond</p> <p>11 the scope.</p> <p>12 THE WITNESS: We have engineers who love</p> <p>13 working on those projects, and we have, you know --</p> <p>14 Google is willing to fund those efforts.</p> <p>15 BY MS. HURST:</p> <p>16 Q And Google has to make money in order to</p> <p>17 fund those efforts, right? You're paying those</p> <p>18 engineers, true?</p> <p>19 MR. RAGLAND: Objection; form and beyond</p> <p>20 the scope.</p> <p>21 THE WITNESS: We are paying those</p> <p>22 engineers, yes.</p> <p>23 BY MS. HURST:</p> <p>24 Q And all of this activity comes back to</p> <p>25 Google's ability to earn revenue largely from</p> <p style="text-align: right;">Page 112</p>
<p>1 BY MS. HURST:</p> <p>2 Q How does that benefit Google?</p> <p>3 MR. RAGLAND: Same objections.</p> <p>4 THE WITNESS: Well, I mean, you know,</p> <p>5 our -- our goal is to enable people to get access to</p> <p>6 more information more quickly, and if we can get</p> <p>7 more people online, we bring more content providers</p> <p>8 and application creators online, and we allow people</p> <p>9 to do more.</p> <p>10 BY MS. HURST:</p> <p>11 Q And how does that benefit Google?</p> <p>12 MR. RAGLAND: Same objections.</p> <p>13 THE WITNESS: Google makes money</p> <p>14 indirectly, I suppose.</p> <p>15 BY MS. HURST:</p> <p>16 Q Google is a for-profit company, right?</p> <p>17 A Absolutely.</p> <p>18 Q You're not just doing this out of the</p> <p>19 goodness of your hearts, true?</p> <p>20 MR. RAGLAND: Objection; form and beyond</p> <p>21 the scope.</p> <p>22 THE WITNESS: There are a number of</p> <p>23 projects that Google does that, you know, are purely</p> <p>24 for, you know, the benefit of -- of mankind. So --</p> <p>25</p> <p style="text-align: right;">Page 111</p>	<p>1 advertising, true?</p> <p>2 MR. RAGLAND: Objection; form, beyond the</p> <p>3 scope.</p> <p>4 THE WITNESS: Google makes money from</p> <p>5 advertising, that's true.</p> <p>6 BY MS. HURST:</p> <p>7 Q Are you familiar with the term "traffic</p> <p>8 acquisition cost"?</p> <p>9 A Yes, I am.</p> <p>10 Q Have you heard that term used at Google?</p> <p>11 MR. RAGLAND: Objection; beyond the scope.</p> <p>12 THE WITNESS: I have.</p> <p>13 BY MS. HURST:</p> <p>14 Q And what does it mean?</p> <p>15 MR. RAGLAND: Same objection.</p> <p>16 THE WITNESS: Traffic acquisition cost is</p> <p>17 the cost of, you know, attracting people to</p> <p>18 someone's website.</p> <p>19 BY MS. HURST:</p> <p>20 Q And what business is traffic acquisition</p> <p>21 cost an expense component of?</p> <p>22 MR. RAGLAND: Objection to form and beyond</p> <p>23 the scope.</p> <p>24 THE WITNESS: I -- I mean, it's part of</p> <p>25 the cost of doing business. If you're asking what</p> <p style="text-align: right;">Page 113</p>

1 is the specific account or how do we account for it,

2 that's -- I don't know. I don't know the details.

3 BY MS. HURST:

4 Q What is ARC?

5 MR. RAGLAND: Objection; beyond the scope,
6 form.

7 THE WITNESS: I believe you're asking

8 about the application runtime for Chrome?

9 BY MS. HURST:

10 Q Is ARC an acronym that you use to refer to

11 app runtime for Chrome?

12 A If -- if we're talking about the same

13 thing, yes.

14 Q In the phrase "ARC Welder," that is what

15 "ARC" stands for, app runtime for Chrome?

16 A Right.

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Page 117

30 (Pages 114 - 117)

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<p>1 BY MS. HURST:</p> <p>2 Q Are you aware of any difference in traffic</p> <p>3 acquisition costs for Google from Web pages versus</p> <p>4 mobile applications?</p> <p>5 MR. RAGLAND: Objection to form and beyond</p> <p>6 the scope of noticed topics.</p> <p>7 THE WITNESS: I don't -- I don't have any</p> <p>8 of the details.</p> <p>9 BY MS. HURST:</p> <p>10 Q Are you generally aware that there is or</p> <p>11 is not some difference in traffic acquisition costs</p> <p>12 for Google between Web pages versus applications?</p> <p>13 MR. RAGLAND: Objection to form and beyond</p> <p>14 the scope.</p> <p>15 THE WITNESS: There's difference in</p> <p>16 traffic acquisition between mobile applications</p> <p>17 and -- just between mobile applications and between</p> <p>18 Web pages. I mean, there's differences everywhere.</p> <p>19 I wouldn't say that it's categorically one</p> <p>20 is -- mobile applications on the whole are different</p> <p>21 than Web pages on the whole. They're all different.</p> <p>22 Every -- every application has unique</p> <p>23 characteristics, every website has unique</p> <p>24 characteristics.</p> <p>25 I'm sure there are certain websites that</p> <p style="text-align: right;">Page 118</p>	<p>1 A I don't know for certain. I believe some</p> <p>2 of them may have been available for Windows phone or</p> <p>3 Windows Mobile, but, to be honest, I can't say for</p> <p>4 certain.</p> <p>5 Q And how about BlackBerry; were any ever</p> <p>6 available for Blackberry?</p> <p>7 A I don't know.</p> <p>8 Q And when you say iOS and Android, are you</p> <p>9 including all of the various versions of Android</p> <p>10 that may be out there, including ones, for example,</p> <p>11 forks by Amazon or Chinese forks of Android?</p> <p>12 MR. RAGLAND: Objection to form.</p> <p>13 THE WITNESS: No. So the -- we only make</p> <p>14 GMS available for Android-compatible phones.</p> <p>15 BY MS. HURST:</p> <p>16 Q And when you say "Android compatible," you</p> <p>17 mean phones that have passed -- that conform to the</p> <p>18 CDD, the Compatibility Definition Document, and have</p> <p>19 passed the Compatibility Testing Suite?</p> <p>20 A That's correct.</p> <p>21 Q Do you also make Google Search services</p> <p>22 available for non-Android operating systems?</p> <p>23 MR. RAGLAND: Objection to form.</p> <p>24 THE WITNESS: Google Search is available</p> <p>25 for iOS as well.</p> <p style="text-align: right;">Page 120</p>
<p>1 have higher traffic acquisition costs than less</p> <p>2 popular mobile apps. So it's all over the map.</p> <p>3 BY MS. HURST:</p> <p>4 Q All right.</p> <p>5 Mr. Lin, looking at Topic 5, what can you</p> <p>6 tell me about Google's negotiations, agreements or</p> <p>7 contracts for the distribution of Google services or</p> <p>8 Google applications on non-Android operating</p> <p>9 systems, starting with how many non-Android</p> <p>10 operating systems does Google provide either its</p> <p>11 services or applications?</p> <p>12 MR. RAGLAND: Objection to form and</p> <p>13 objection to the extent that the question goes</p> <p>14 beyond the scope of the limitation on Topic 5.</p> <p>15 THE WITNESS: So we provide Google's</p> <p>16 mobile applications on iOS and Android.</p> <p>17 BY MS. HURST:</p> <p>18 Q And when you say "Google mobile</p> <p>19 applications" are you referring now to some specific</p> <p>20 set of applications?</p> <p>21 A Yes. So the mobile versions of Mail,</p> <p>22 YouTube, Chrome, Google Docs, Google Drive, YouTube.</p> <p>23 Q And have your Google mobile applications</p> <p>24 ever been available for any other non-Android</p> <p>25 operating system, other than iOS?</p> <p style="text-align: right;">Page 119</p>	<p>1 BY MS. HURST:</p> <p>2 Q And in what form is Google Search</p> <p>3 available for iOS?</p> <p>4 A I believe there's a search app.</p> <p>5 Q Is it available in any other form?</p> <p>6 MR. RAGLAND: Objection to form and beyond</p> <p>7 the scope.</p> <p>8 THE WITNESS: Well, it's available --</p> <p>9 people can do searches through the Chrome browser.</p> <p>10 BY MS. HURST:</p> <p>11 Q Any other form?</p> <p>12 MR. RAGLAND: Same objections.</p> <p>13 THE WITNESS: Those are the -- those are</p> <p>14 the two that come to mind.</p> <p>15 BY MS. HURST:</p> <p>16 Q What about, for example, the Safari</p> <p>17 browser running on iOS?</p> <p>18 A Safari is not an application that we</p> <p>19 produce or develop.</p> <p>20 Q But are Google Search services available</p> <p>21 through Safari?</p> <p>22 MR. RAGLAND: Same objections.</p> <p>23 THE WITNESS: As a browser, anybody can go</p> <p>24 to Google.com.</p> <p>25</p> <p style="text-align: right;">Page 121</p>

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1 BY MS. HURST:
 2 Q Including users of Safari?
 3 A Including users of Safari, right.
 4 Q And earlier in the deposition today, you
 5 identified, you know, the URL box in a browser as a
 6 place where there can be searching.
 7 Do you recall that testimony?
 8 A Yes.
 9 Q And is that true in Safari as well?
 10 MR. RAGLAND: Objection to form and beyond
 11 the scope.
 12 THE WITNESS: People can go to Google.com
 13 from Safari. I don't know whether they can do a
 14 search directly from Safari, and I don't know how
 15 Safari's configured for search, whether it
 16 automatically goes to Google or it goes to other
 17 search engines.

1 not paying -- they're not paying us; they're paying
 2 Apple.
 3 BY MS. HURST:
 4 Q Is Google Play Services available for any
 5 operating system, other than Android?
 6 A It's just Android.
 7 Q Could Google Play Services work with any
 8 operating system, other than Android?
 9 MR. RAGLAND: Objection to scope.
 10 THE WITNESS: I suppose -- I mean, today
 11 that's not possible.

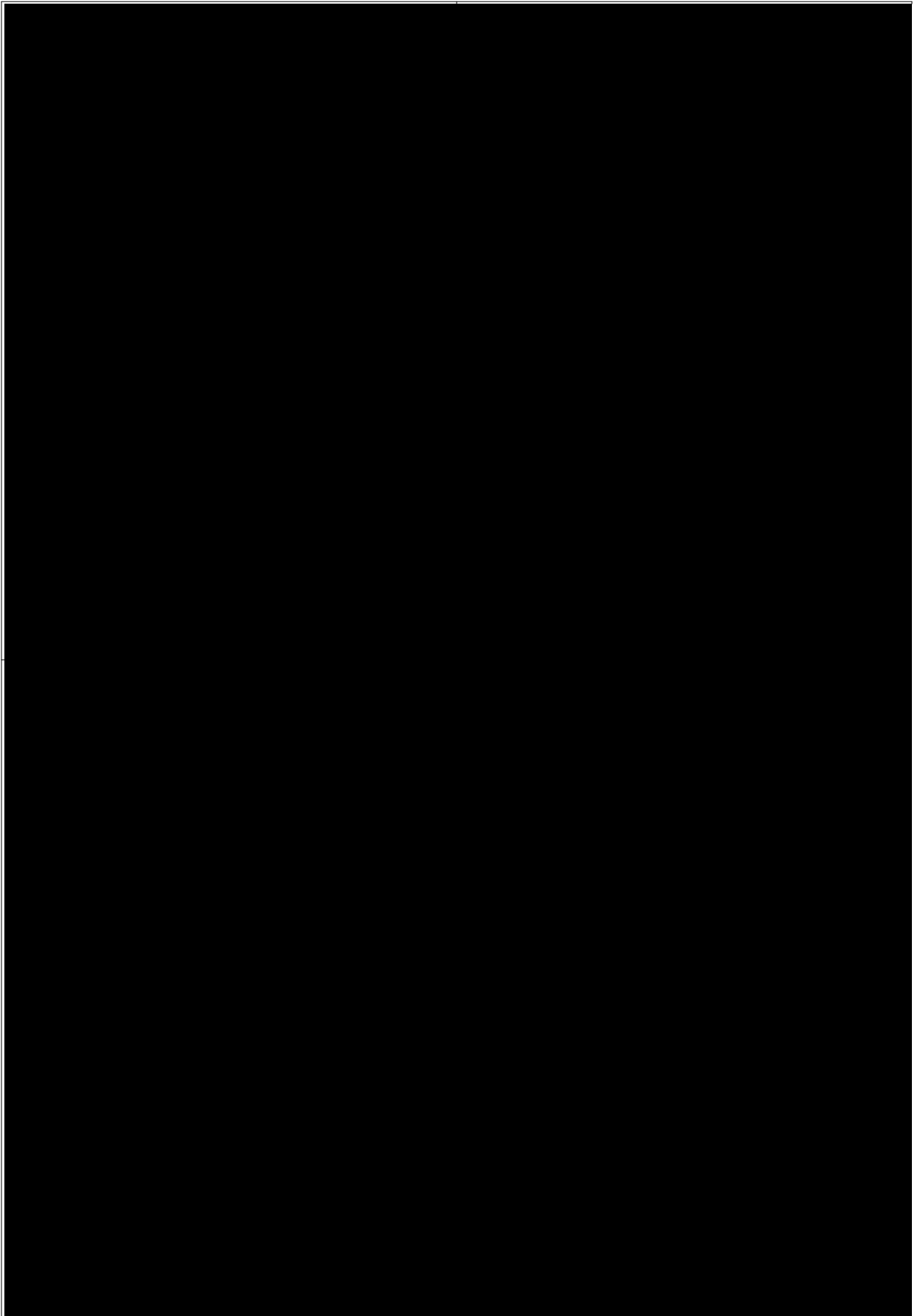
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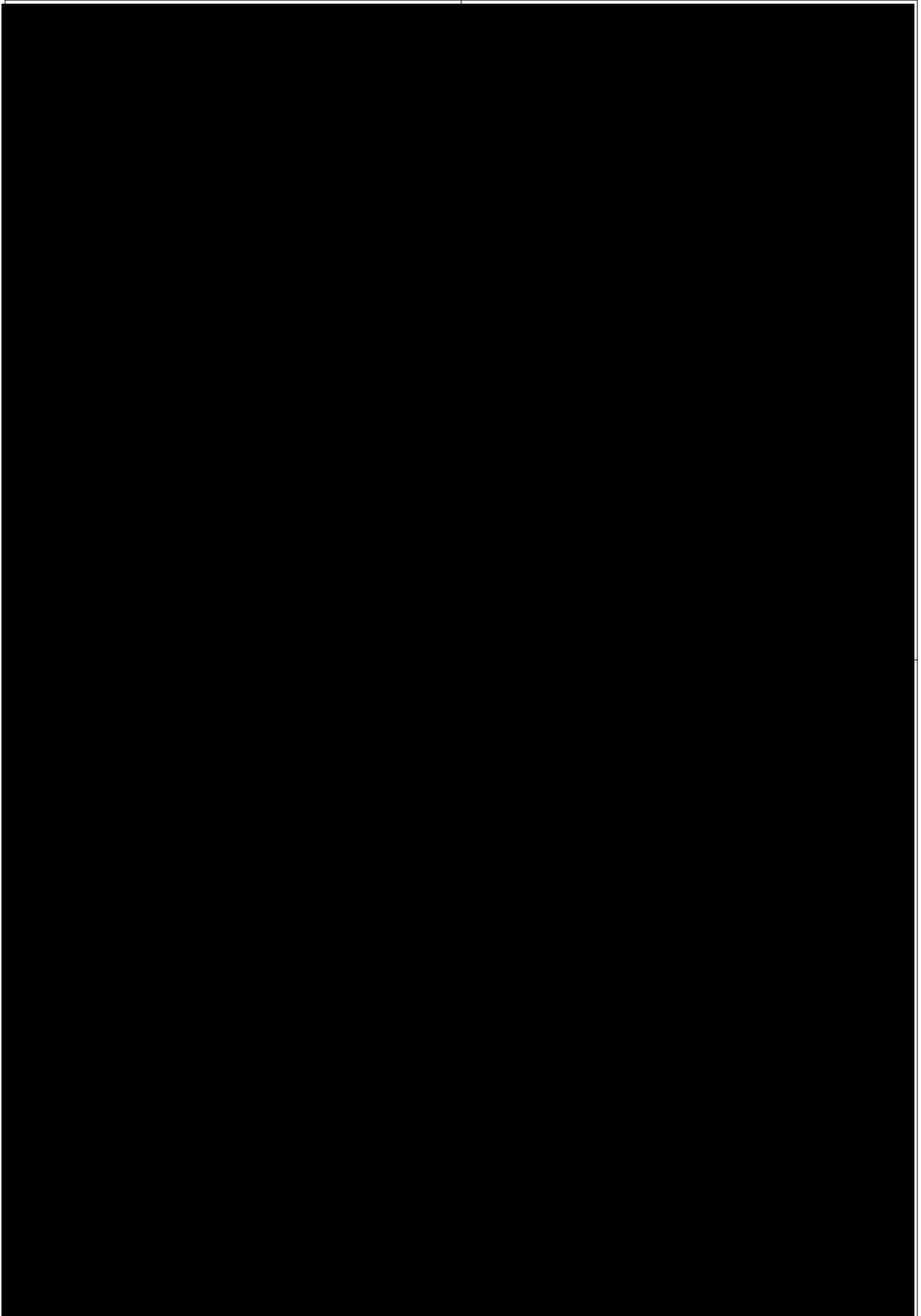
3 BY MS. HURST:
 4 Q Is Google Play Services available for iOS?
 5 A Google Play Services is not available for
 6 iOS. As I mentioned earlier, it's part of the
 7 bundle for Android, but for iOS, we only ship the
 8 actual applications, not the -- not Play services.
 9 Q And why not?
 10 MR. RAGLAND: Objection to the extent it's
 11 beyond the scope of topics for which this witness is
 12 presented.
 13 THE WITNESS: They're -- they're not
 14 relevant on iOS.
 15 BY MS. HURST:
 16 Q Well, authentication's relevant on iOS,
 17 right?
 18 MR. RAGLAND: Same objection.
 19 THE WITNESS: On iOS, people use Apple's
 20 authentication scheme.
 21 BY MS. HURST:
 22 Q In-payment processing is relevant on iOS?
 23 MR. RAGLAND: Same objection.
 24 THE WITNESS: My under- -- on iOS, people
 25 use the iTunes store and the app store, so they're

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32 (Pages 122 - 125)





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1 software the Chrome browser.

2 BY MS. HURST:

3 Q And the Chrome browser that you include in
4 the system software for Chrome OS has a default
5 search box for Google Search, true?

6 MR. RAGLAND: Objection to form and beyond
7 the scope.

8 THE WITNESS: The chrome browser in
9 Chrome OS is exactly the same as the Chrome browser
10 on every platform. Has an Omnibox which allows
11 people to type in URLs as well as search terms, and
12 out of the box, by default, it is set up to go to
13 Google.com and perform a search if the end user has
14 not signed into Chrome under -- on a different
15 machine and has not established a different default
16 search provider.

17 So I'll say it a little bit differently to
18 make it a little more clear.

19 If you are set up and you use Chrome on
20 any platform -- Windows, Mac -- and your default
21 search provider is Yahoo, then when you start up
22 your Chrome browser and you sign in on a Chromebook,
23 Yahoo will be the default search provider because we
24 synchronize across all the platforms.

25

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1 BY MS. HURST:

2 Q But if you have not changed the default,
3 then when you get the machine out of the box, turn
4 it on and fire up the browser, you're going to go to
5 Google for search services, true?

6 A That's true because we have no other
7 option at that point.

8 MR. RAGLAND: Whenever is convenient for a
9 break.

10 BY MS. HURST:

11 Q All right.

14 Chromebook, right?

15 MR. RAGLAND: Objection to scope.

16 THE WITNESS: So they can download
17 extensions to the browser and they can install apps,
18 but the system image and all of the system software
19 is exactly the software that we shipped.

20 BY MS. HURST:

21 Q And you include in the system software the
22 Chrome browser, true?

23 MR. RAGLAND: Objection -- objection to
24 scope.

25 THE WITNESS: We include in the system

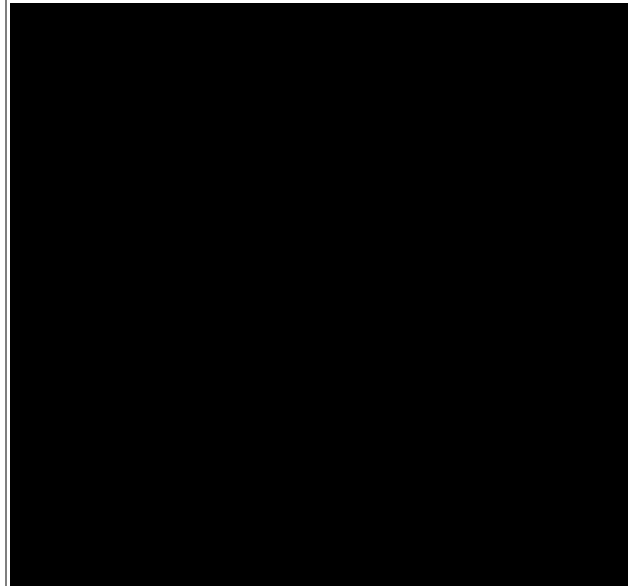
Page 135

22 Q Are you familiar that at one point in time
23 there was a Palm WebOS operating system-based
24 browser?

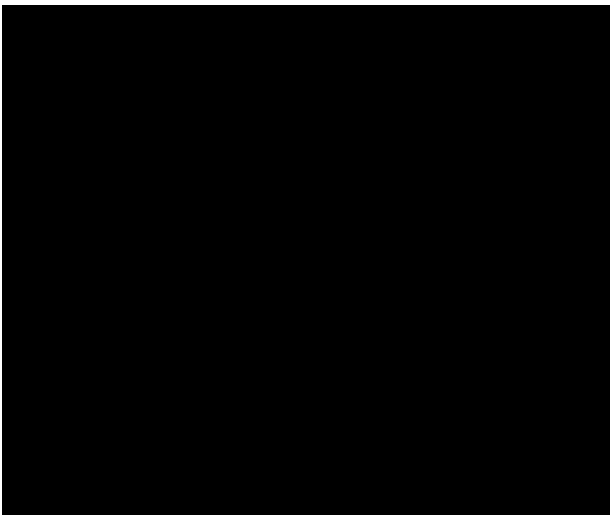
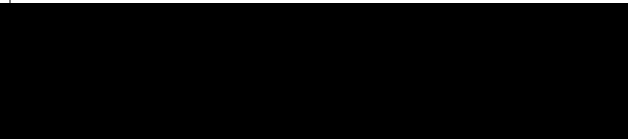
25 A Yes.

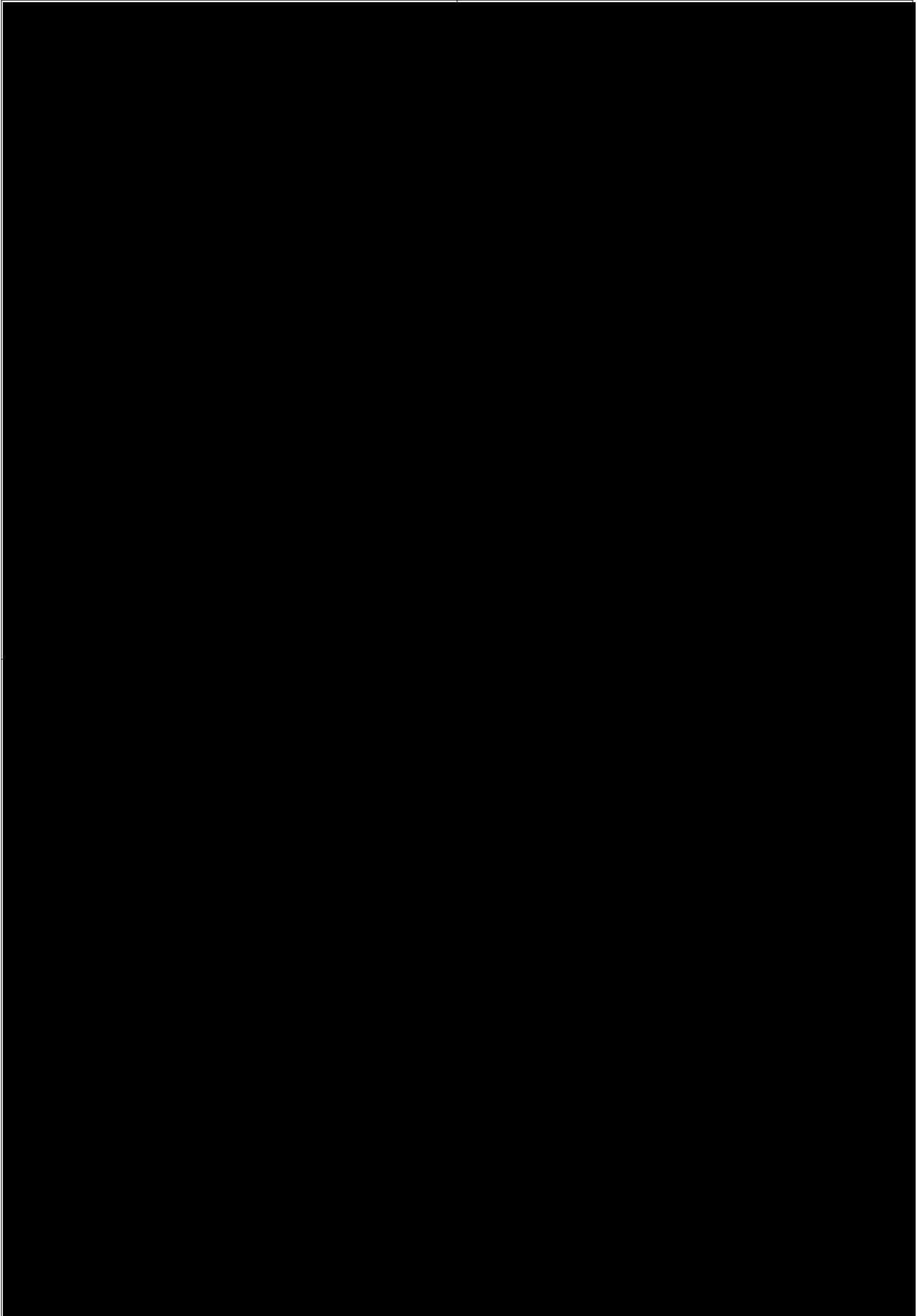
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<p>1 MR. RAGLAND: Objection; form and beyond 2 the scope. 3 THE WITNESS: Sorry. 4 BY MS. HURST: 5 Q And that's a non-Android-based browser, 6 right? 7 MR. RAGLAND: Same objections. 8 THE WITNESS: Yes.</p> 	<p>1 BY MS. HURST: 2 Q And you mentioned Adwords. What is that? 3 MR. RAGLAND: Same objection. 4 THE WITNESS: Adwords is a program where 5 when people come to Google.com and they type in 6 search terms, we can serve up search results along 7 with ads that are relevant to those search terms. 8 BY MS. HURST: 9 Q So that's the keyword advertising program 10 that you referred to earlier? 11 A Exactly. That's right. That's right. 12 Q And is AdSense the display advertising 13 program that you referred to earlier? 14 A No. It's the four-line ads that you'll 15 typically see on Google.com. 16 Q I'm struggling, and I apologize. 17 How are those four-line ads different from 18 what gets served up in response to keywords as part 19 of the keyword advertising program? 20 MR. RAGLAND: Objection; outside the 21 scope. 22 THE WITNESS: So it's actually the same 23 thing. When you look at -- when you go to 24 Google.com, you'll see a search box at the top. 25 People type in their search terms, and if you search</p>
Page 138	Page 140
<p>1 MS. HURST: Okay. If you wanted to take a 2 break. 3 MR. RAGLAND: Sure. 4 THE VIDEOGRAPHER: Going off the record. 5 The time is 2:23. 6 (Recess taken.) 7 THE VIDEOGRAPHER: This marks the 8 beginning of DVD Number 3 in the deposition of Felix 9 Lin. Going back on the record. The time is 2:46. 10 BY MS. HURST: 11 Q Mr. Lin, have you ever heard the acronym 12 AFS at Google to refer to AdSense for Search? 13 MR. RAGLAND: Objection; form and scope. 14 THE WITNESS: I have heard of that term, 15 AdSense for Search. 16 BY MS. HURST: 17 Q And are you familiar generally with 18 AdSense at Google? 19 A Yes. 20 Q And what is it? 21 MR. RAGLAND: Objection; outside the 22 scope. 23 THE WITNESS: AdSense is like Adwords, but 24 it's essentially allowing us to place ads on other 25 content providers' websites.</p>	<p>1 for "skateboard," typically on the left side, the 2 two-thirds of the screen, you'll see a bunch of what 3 we call organic search results. Those are not paid 4 unless they're explicitly marked "Advertising" or 5 "Sponsored By." 6 On the right-hand side in about a third of 7 the page, you'll see, you know, maybe seven to ten 8 four-line ads, they're short ads, typically with a 9 header and a URL and then two other lines of 10 descriptive text. Those ads are paid for by 11 advertisers who are essentially bidding on the 12 keywords. 13 So if I had skateboards to sell, I might 14 tell Google that I'm willing to pay, let's say, ten 15 cents for every time somebody clicks through on my 16 ad, and then it comes to my website. 17 Google will decide, amongst all the people 18 who are interested in bidding, which ads to serve up 19 in the hopes that, of course, somebody will click on 20 one of those ads, and Google will be paid ten cents 21 at that point, or whatever the appropriate bid is. 22 So that's how the AdWords program works. 23 BY MS. HURST: 24 Q All right. 25 And what part, if any, of what you just</p>
Page 139	Page 141

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<p>1 described is the AdSense piece?</p> <p>2 A So what I described there is the user</p> <p>3 experience when you go to Google.com.</p> <p>4 Anywhere off of Google, Google.com, if you</p> <p>5 go to, let's say, SkiMagazine.com or even Yahoo.com,</p> <p>6 sometimes you'll see on a Web page similarly on the</p> <p>7 right-hand rail, space for -- typically right at the</p> <p>8 top, "Ads Sponsored by Google."</p> <p>9 And what happens is that as Google is</p> <p>10 crawling the Web and looking at new content every</p> <p>11 day, Google is looking at all the content presented</p> <p>12 on the page and matching up certain keywords that it</p> <p>13 found on the page against advertisers who are</p> <p>14 interested in being seen when people enter those</p> <p>15 keywords.</p> <p>16 The reason it's called AdSense is people</p> <p>17 aren't actually typing keywords into those pages.</p> <p>18 It's just from the context of words on the page that</p> <p>19 these might be relevant ads. So the AdSense program</p> <p>20 uses space that content providers pre-allocate to</p> <p>21 Google to place ads, and then when people click</p> <p>22 through those ads, Google shares the revenue with</p> <p>23 the content owner.</p> <p>24 Q All right.</p> <p>25 And so AdSense is kind of, you know --</p> <p style="text-align: right;">Page 142</p>	<p>1 the way it works. I believe that we dynamically in</p> <p>2 the process of crawling the page and indexing the</p> <p>3 content so that we can provide faster search results</p> <p>4 for people who are just searching for content. In</p> <p>5 the course of doing that, we automatically determine</p> <p>6 what the keywords are that are relevant on the page.</p>  <p>22 Q So using the description you gave a moment</p> <p>23 ago of AdSense where you go to a website -- I think</p> <p>24 Ski World Magazine was the example you gave -- how</p> <p>25 would it be possible -- well, strike that.</p> <p style="text-align: right;">Page 144</p>
<p>1 there are algorithms that assess the content of</p> <p>2 somebody else's website and serve up, then, the</p> <p>3 four-line links --</p> <p>4 A That's right.</p> <p>5 Q -- AdWord links, that you might also find</p> <p>6 on Google.com in response to a keyword search?</p> <p>7 A That's right.</p> <p>8 Q All right.</p> <p>9 So in both cases, the content of the ad</p> <p>10 remains the same, but there are different ways for</p> <p>11 the customer to get to the ad --</p> <p>12 MR. RAGLAND: Objection; form.</p> <p>13 BY MS. HURST:</p> <p>14 Q -- or be displayed in the ad?</p> <p>15 A It can be the same ads. They're just</p> <p>16 viewed on different search -- different properties</p> <p>17 online.</p> <p>18 Q Got it. Thank you.</p> <p>19 And is there a way that you enable people</p> <p>20 to actually tune their own websites related to that</p> <p>21 AdSense advertising in order to make it more</p> <p>22 effective? Do you allow them to create keywords on</p> <p>23 their own sites for that purpose?</p> <p>24 MR. RAGLAND: Objection to form and scope.</p> <p>25 THE WITNESS: I don't believe that that's</p> <p style="text-align: right;">Page 143</p>	<p>1 Does that work on mobile devices too?</p> <p>2 MR. RAGLAND: Objection to form and</p> <p>3 outside the scope of designated topics.</p> <p>4 THE WITNESS: Technically it could work,</p> <p>5 but I believe -- but I'm not sure that we actually</p> <p>6 do that because the screen real estate on mobile</p> <p>7 devices is so limited. I don't know that we can</p> <p>8 actually do that.</p> <p>9 BY MS. HURST:</p> <p>10 Q Do you have any understanding of how</p> <p>11 AdSense operates with respect to mobile devices?</p> <p>12 MR. RAGLAND: Same objections.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MS. HURST:</p> <p>15 Q All right.</p> <p>16 Are you familiar with any kind of a</p> <p>17 program called AdSense for Content?</p> <p>18 MR. RAGLAND: Objection; outside the</p> <p>19 scope.</p> <p>20 THE WITNESS: I'm not familiar with</p> <p>21 AdSense for Content.</p>  <p style="text-align: right;">Page 145</p>



6 Q What do you understand "search entry
7 point" to mean?

8 MR. RAGLAND: Objection to form, beyond
9 the scope.

10 THE WITNESS: It's just another word for
11 "search box."

12 BY MS. HURST:

13 Q What does "directed traffic" mean?

14 MR. RAGLAND: Same objections.

15 THE WITNESS: I'm not completely sure.
16 How is it -- how is it used?

17 BY MS. HURST:

18 Q Well, let's say in an agreement between
19 Google and a carrier, are you familiar with the
20 concept of directed traffic?

21 MR. RAGLAND: Same objections.

22 THE WITNESS: I'm not completely sure.

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	<p>1 The time is 3:15.</p> <p>2 (Recess taken.)</p> <p>3 THE VIDEOGRAPHER: We're back on the</p> <p>4 record. The time is 3:28.</p> <p>5 MS. HURST: Exhibit 5093 is GOOG-00130126</p> <p>6 through -40.</p> <p>7 (Deposition Exhibit 5093 marked</p> <p>8 for identification.)</p> <p>9 MS. HURST: You know what, that one is a</p> <p>10 double-sided copy. Do you want me to give you</p> <p>11 single sided?</p>
<p>12 Q And do sometimes Android phones --</p> <p>13 Are you familiar with the phrase "locked"</p> <p>14 or "unlocked" as refers to mobile phones?</p> <p>15 A Uh-huh.</p> <p>16 Q And what do you understand those terms to</p> <p>17 mean?</p> <p>18 A Locked phones are -- will only work on the</p> <p>19 carrier from which the customer purchased the phone.</p> <p>20 Q And unlocked, you could use it with a</p> <p>21 variety of characters -- pardon me, carriers?</p> <p>22 A Characters is right.</p> <p>23 Q Characters, right, yes. Freudian slip.</p> <p>24 So do you have any general understanding</p> <p>25 that with respect to an unlocked phone, you would</p> <p style="text-align: right;">Page 154</p>	<p>12 THE REPORTER: Doesn't matter.</p> <p>19 Q Have you ever heard the Google Play</p> <p>20 Services referred to as Google Mobile Core or G Core</p> <p>21 or GMS Core?</p> <p>22 A I've heard those different terms on</p> <p>23 occasion, but I don't know that they actually all</p> <p>24 refer to Play Services.</p> <p>25 Q And has Google Play Services ever been</p> <p style="text-align: right;">Page 156</p>
<p>1 want to negotiate the revenue sharing agreement with</p> <p>2 the manufacturer of the phone, and with a locked</p> <p>3 phone, you would want to negotiate the agreement</p> <p>4 with the carrier?</p> <p>5 MR. RAGLAND: Objection; form and beyond</p> <p>6 the scope.</p> <p>7 THE WITNESS: That would make sense, yes.</p> <p>8 BY MS. HURST:</p> <p>9 Q And with a locked phone, then, that means</p> <p>10 that manufacturer of the equipment is agreeing only</p> <p>11 to offer that device in connection with a particular</p> <p>12 carrier, true?</p> <p>13 MR. RAGLAND: Objection to the form and</p> <p>14 beyond the scope of noticed topics.</p> <p>15 THE WITNESS: If it's a locked phone,</p> <p>16 essentially the hardware manufacturer only makes</p> <p>17 that phone available from that carrier, yes.</p> <p>18 MS. HURST: Where are we on time?</p> <p>19 THE VIDEOGRAPHER: We have -- you have 40</p> <p>20 minutes left.</p> <p>21 MS. HURST: Okay. I want to pull a series</p> <p>22 of documents. So let's take a short break, and I'll</p> <p>23 do that.</p> <p>24 MR. RAGLAND: Sure.</p> <p>25 THE VIDEOGRAPHER: Going off the record.</p> <p style="text-align: right;">Page 155</p>	<p>1 referred to as the Google Services Framework?</p> <p>2 MR. RAGLAND: Objection to form.</p> <p>3 THE WITNESS: It's possible. I don't -- I</p> <p>4 mean, I always call it Play Services.</p> <p>5 BY MS. HURST:</p> <p>6 Q Okay.</p> <p>7 Did Google Play Services have a name, a</p> <p>8 different name, before it was called Google Play</p> <p>9 Services?</p> <p>10 A It may have before my time, so that may be</p> <p>11 where some of these names come from.</p> <p style="text-align: right;">Page 157</p>

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	<p>1 triangulate.</p> <p>2 BY MS. HURST:</p> <p>3 Q And you mentioned that network services</p> <p>4 were part of the Google Services Framework. What</p> <p>5 did you mean by "network services" in that context?</p> <p>6 A I don't know specifically. I'm just</p> <p>7 saying, you know, things that are background</p> <p>8 services.</p> <p>9 Q Can you describe the functionality in some</p> <p>10 way that --</p> <p>11 A I would have to get you more detailed</p> <p>12 information. From my standpoint, these are all just</p> <p>13 a bundle of applications that are distributed as a</p> <p>14 bundle for compatible devices. I don't know exactly</p> <p>15 what functions or services are partitioned into each</p> <p>16 one of these by name. I've never had to break it</p> <p>17 down that way.</p> <p>18 Q All right.</p> <p>19 What is Google Backup and Restore?</p> <p>20 A So this is a set of services that is</p> <p>21 backing up files, photos, device settings, you know,</p> <p>22 the placement of icons on various screens that you</p> <p>23 might have once you've installed applications if</p> <p>24 you've moved them around.</p> <p>25 I don't know the exact details of</p>
<p>7 Google Play Client, what is that?</p> <p>8 A I believe this is just the stuff that's</p> <p>9 related to authenticating your account so that when</p> <p>10 you sign into the Google Play Store, we match up the</p> <p>11 ID with the person who signed in using the phone and</p> <p>12 keeping track of the things that you've purchased.</p>	
<p>22 Q What is the Google Services Framework?</p> <p>23 A It's just all the ancillary services, you</p> <p>24 know, associated with the location services, network</p> <p>25 services. I don't have the full -- I don't have the</p>	<p>Page 158</p>
<p>1 details.</p> <p>2 Q Okay.</p> <p>3 Location Services, that's, you know, the</p> <p>4 ability for the phone to determine its approximate</p> <p>5 location in the world; is that right?</p> <p>6 A Right.</p> <p>7 Q And was that ever part of the Android</p> <p>8 platform, that capability?</p> <p>9 A There may be portions of it that are and</p> <p>10 some of it may not be. For example, just -- just</p> <p>11 the -- I'm sure that Android open source framework</p> <p>12 includes provisions for just taking a GPS signal but</p> <p>13 combining the GPS signal with other information</p> <p>14 about, like, Wi-Fi networks and things like that,</p> <p>15 might provide different location capabilities.</p> <p>16 Q Android, the platform, certainly provides</p> <p>17 the capability for a device to connect to a Wi-Fi</p> <p>18 network, true?</p> <p>19 MR. RAGLAND: Objection; form and scope.</p> <p>20 THE WITNESS: So this might be, you know,</p> <p>21 information that Google knows about, you know,</p> <p>22 actual Wi-Fi networks. So not just being able to</p> <p>23 connect to a Wi-Fi network, but the fact that if</p> <p>24 you're in range of two or three specific Wi-Fi</p> <p>25 networks, it knows where you are differently, can</p>	<p>Page 160</p> <p>1 specifically all the things that get backed up, but</p> <p>2 our goal has been to make it easier for people to</p> <p>3 back up the entire phone so that if they lose a</p> <p>4 phone and they buy a replacement, they can easily</p> <p>5 get back to where they -- where they were before</p> <p>6 without having to do a bunch of work.</p> <p>7 Q Is there any backup and restore capability</p> <p>8 in the Android platform itself?</p> <p>9 MR. RAGLAND: Objection; beyond the scope.</p> <p>10 THE WITNESS: I don't know for certain. I</p> <p>11 don't believe so because backup and restore has</p> <p>12 different behavior on different phones, so I believe</p> <p>13 it depends on what the manufacturers are</p> <p>14 implementing. There may be some limited form of</p> <p>15 backup.</p>

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	<p>1 outside.</p> <p>2 BY MS. HURST:</p> <p>3 Q You don't use any that are outside of the</p> <p>4 CDD?</p> <p>5 A Outside of the CDD, right. Sorry.</p> <p>6 Q So Google Play Services APIs are all</p> <p>7 within the CDD, but you're not certain whether the</p> <p>8 CDD is limited to the Google Play Services API?</p> <p>9 MR. RAGLAND: Same objections.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MS. HURST:</p> <p>12 Q Is it possible for the handset</p> <p>13 manufacturers to add functionality to their devices</p> <p>14 that is not specified by the CDD and still pass the</p> <p>15 CTS?</p> <p>16 MR. RAGLAND: Objection; form and scope.</p> <p>17 THE WITNESS: It is definitely possible,</p> <p>18 yes.</p> <p>19 BY MS. HURST:</p> <p>20 Q Can you think of any examples?</p> <p>21 MR. RAGLAND: Same objections.</p> <p>22 THE WITNESS: So we have device</p> <p>23 manufacturers that have implemented multi-window</p>
<p>24 BY MS. HURST:</p> <p>25 Q What information do you provide to a</p>	<p>24 support, and that's not currently in the CDD for</p> <p>25 Android.</p>
<p>Page 162</p> <p>1 manufacturer that enables it to integrate Google</p> <p>2 Play Services into its device?</p> <p>3 MR. RAGLAND: Same objection.</p> <p>4 THE WITNESS: If they have an Android</p> <p>5 compatible device and it passes the CTS, the full</p> <p>6 suite of tests, all of our services will work.</p> <p>7 BY MS. HURST:</p> <p>8 Q Is there an API associated with Google</p> <p>9 Play Services?</p> <p>10 MR. RAGLAND: Same objection.</p> <p>11 THE WITNESS: We only make use of the APIs</p> <p>12 that are part of the CDD.</p> <p>13 BY MS. HURST:</p> <p>14 Q So it's the same thing?</p> <p>15 MR. RAGLAND: Objection; form, beyond the</p> <p>16 scope.</p> <p>17 THE WITNESS: I'm not sure -- are you</p> <p>18 saying the --</p> <p>19 BY MS. HURST:</p> <p>20 Q Is the Google Play Services API entirely</p> <p>21 contained within the Compatibility Definition</p> <p>22 Document?</p> <p>23 MR. RAGLAND: Objection to form and scope.</p> <p>24 THE WITNESS: It is. I don't know that we</p> <p>25 use every single API, but we don't use any that are</p> <p>Page 163</p>	<p>Page 164</p> <p>1 BY MS. HURST:</p> <p>2 Q And will all the applications in the</p> <p>3 Google Play Store still run on those multi-window</p> <p>4 devices?</p> <p>5 MR. RAGLAND: Objection; form and scope.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. HURST:</p> <p>8 Q And will applications written for those</p> <p>9 multi-window devices still run on all other Android</p> <p>10 devices?</p> <p>11 MR. RAGLAND: Same objections.</p> <p>12 THE WITNESS: No.</p> <p>Page 165</p>

<p>7 BY MS. HURST:</p> <p>8 Q Well, I think what you're saying is that</p> <p>9 if somebody wrote an application for that Samsung</p> <p>10 device using the fingerprint sensor, it would still</p> <p>11 run on other devices?</p> <p>12 MR. RAGLAND: Objection; form.</p> <p>13 THE WITNESS: If somebody -- because that</p> <p>14 device makes use of hardware and offers features</p> <p>15 above and beyond the compatibility definition,</p> <p>16 applications that don't make use of those will, of</p> <p>17 course, still run. However, applications that</p> <p>18 require -- a Samsung application that requires the</p> <p>19 Samsung fingerprint sensor would not fully run on</p> <p>20 other devices.</p> <p>21 In those cases, customers would have to</p> <p>22 recognize that, you know, here's an application that</p> <p>23 could make use of the fingerprint sensor to, for</p> <p>24 example, lock and unlock, but if their device</p> <p>25 doesn't have a fingerprint sensor, then there's</p> <p style="text-align: right;">Page 166</p>	<p>1 have 17 more minutes.</p> <p>2 BY MS. HURST:</p> <p>3 Q What is the Google WebView component?</p> <p>4 A The WebView component -- the best way to</p> <p>5 describe it is it's the browser without all of the</p> <p>6 browser -- browser Chrome or the branding.</p> <p>7 So, for example, if inside of a mobile app</p> <p>8 like Facebook, if Facebook wanted to display a Web</p> <p>9 page inside of their application, they could use the</p> <p>10 WebView component.</p> <p>11 Q So like a headless browser?</p> <p>12 A Exactly. Yeah.</p> <p>13 Q And have there ever been headless browser</p> <p>14 capabilities within the Android platform itself?</p> <p>15 MR. RAGLAND: Objection; beyond the scope.</p> <p>16 THE WITNESS: I don't know that it was</p> <p>17 packaged in that form. I believe at one point that</p> <p>18 there was a Android browser that was part of the</p> <p>19 Android open source, and people could use that and</p> <p>20 do what they wanted with it. I'm not sure that</p> <p>21 people would call it the same thing as the WebView,</p> <p>22 but it was something similar.</p> <p>23 BY MS. HURST:</p> <p>24 Q What is the Market Updater?</p> <p>25 A I think the Market Updater is a utility</p> <p style="text-align: right;">Page 168</p>
<p>1 nothing they can do about it. Typical --</p> <p>2 BY MS. HURST:</p> <p>3 Q Sorry, go ahead.</p> <p>4 A I mean, the clarification here is that,</p> <p>5 you know, hardware differentiation is good. People</p> <p>6 can always extend the hardware and go beyond what's</p> <p>7 part of Android, which is anticipating certain</p> <p>8 hardware capabilities. The compatibility is</p> <p>9 important in terms of making sure that all</p> <p>10 applications have a minimum set of functionality</p> <p>11 that they can rely on being available on every</p> <p>12 phone, so...</p> <p>13 Q But in the case that you've described, it</p> <p>14 is certainly not a write once for Samsung run</p> <p>15 everywhere on all Android devices scenario, true?</p> <p>16 MR. RAGLAND: Objection to form, beyond</p> <p>17 the scope of noticed topics.</p> <p>18 THE WITNESS: The point of the</p> <p>19 compatibility test is to make sure that an</p> <p>20 application that's written that assumes the</p> <p>21 compatibility definition will work on all Android</p> <p>22 phones, which includes phones that have more</p> <p>23 hardware capabilities.</p> <p>24 MS. HURST: How are we doing?</p> <p>25 THE VIDEOGRAPHER: We're doing good. You</p> <p style="text-align: right;">Page 167</p>	<p>1 that is constantly checking to see whether the</p> <p>2 version of the app that you have on your device is</p> <p>3 the same as the most recent version of the app that</p> <p>4 is in the Play Store.</p> <p>5 Q What is the Network Location Provider?</p> <p>6 A I think it's the thing that we talked</p> <p>7 about earlier, which is that it's just trying to</p> <p>8 pinpoint your location using whatever information is</p> <p>9 available.</p> <p>10 Q What is Widevine?</p> <p>11 A Widevine is a digital rights management</p> <p>12 solution for watching protected content, HD content</p> <p>13 and things like that. Netflix requires Widevine.</p> <p>14 Q Earlier you were telling me about the --</p> <p>15 you were using the analogy of two houses; one that</p> <p>16 was built from wood and one that was built from</p> <p>17 concrete, and they both looked the same to the</p> <p>18 person on the curb.</p> <p>19 A Uh-huh.</p> <p>20 Q In that analogy you meant the concrete</p> <p>21 house to refer to Chrome OS and the wood house to</p> <p>22 refer to Android, correct?</p> <p>23 MR. RAGLAND: Objection to form.</p> <p>24 THE WITNESS: Sorry. It didn't really</p> <p>25 matter either way.</p> <p style="text-align: right;">Page 169</p>

1 BY MS. HURST:

2 Q Well, how does it look to the person
3 inside the house?

4 MR. RAGLAND: Objection; form.

5 THE WITNESS: You could be -- you could
6 have the same issue. I mean, whether something is
7 made of wood and painted over, or whether it's made
8 of concrete and painted over, the finishes could be
9 exactly the same; may not necessarily look any
10 different.

11 BY MS. HURST:

12 Q So I think we might be entering test
13 territory here, Mr. Lin.

14 If they look exactly the same on the
15 outside and the inside, then what's the purpose of
16 having two structures made of different composition?
17 I mean, are we just preparing for earthquakes?

18 MR. RAGLAND: Objection; form and scope.

19 THE WITNESS: Well, I think the -- I mean,
20 a big part of it is what are your future plans for
21 those houses?

22 For the one that's built of wood, you
23 could probably go to two to three stories. Maybe
24 the one that's built of concrete, you could go 60
25 stories, and you might not know today looking at it,
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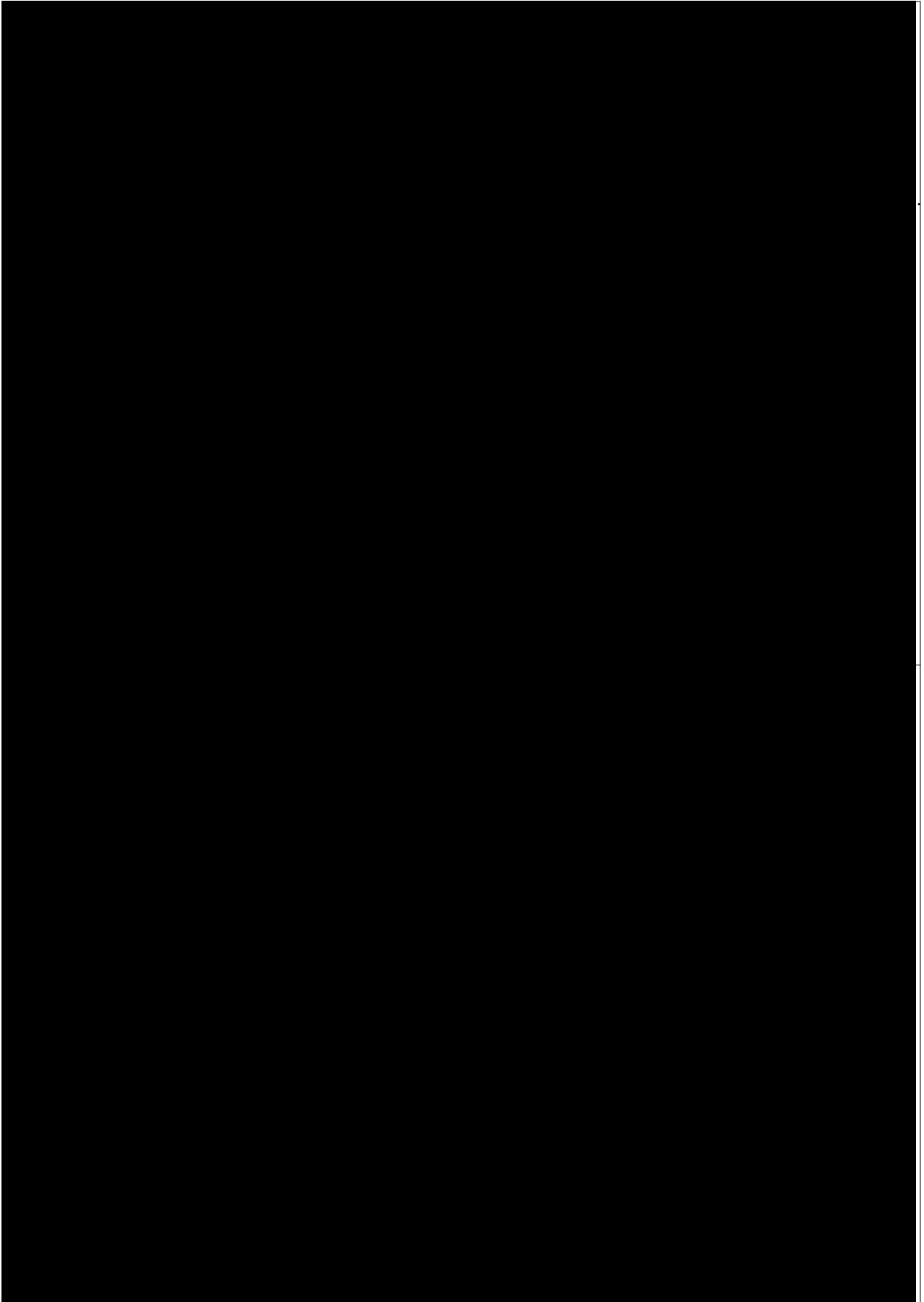
1 but your plan for the future is to be able to be --
2 you know, have much more opportunity.

3 BY MS. HURST:

4 Q With that understanding as one of the
5 critical differences, is it still your testimony
6 that the difference between -- that that wood could
7 refer to either Android or Chrome OS in this
8 analogy?

9 MR. RAGLAND: Objection to form and scope.


10 THE WITNESS: Yeah. I'm not sure what
11 you're getting at. Yes, they seem interchangeable
12 for these purposes.



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<p>9 BY MS. HURST:</p> <p>10 Q And you don't consider it fragmentation</p> <p>11 the fact that some devices that compete with one</p> <p>12 another have different capabilities?</p> <p>13 MR. RAGLAND: Objection to form and scope.</p> <p>14 THE WITNESS: My point -- my point was</p> <p>15 that some forms of fragmentation are actually quite</p> <p>16 acceptable. Hardware fragmentation is quite</p> <p>17 acceptable. It's what people -- that's how people</p> <p>18 differentiate their devices.</p> <p>19 The thing that we care about is the</p> <p>20 software compatibility; that when someone writes an</p> <p>21 application and it runs on an Android phone, the</p> <p>22 expectation should be that that application will run</p> <p>23 on any Android phone that carries the Android mark.</p> <p>24 BY MS. HURST:</p> <p>25 Q But that would not be true, for example,</p> <p style="text-align: right;">Page 178</p>	<p>1 MR. RAGLAND: Objection; form and scope.</p> <p>2 THE WITNESS: There are not -- no. I</p> <p>3 mean, people don't download an application that</p> <p>4 specifically works with the fingerprint sensor.</p> <p>5 Samsung has built their own applications to work</p> <p>6 with the fingerprint sensor which only work on the</p> <p>7 Samsung phone, and it's only relevant on their phone</p> <p>8 because their phone is the only one that has a</p> <p>9 fingerprint sensor.</p> <p>10 BY MS. HURST:</p> <p>11 Q So Samsung has its own separate set of</p> <p>12 applications that run on the Google platform and</p> <p>13 take advantage of this hardware differentiation?</p> <p>14 A That's right. And they will use the</p> <p>15 fingerprint sensor to implement certain APIs that</p> <p>16 are relevant for applications; for example, you</p> <p>17 know, a password.</p> <p>18 So if an application requires a password,</p> <p>19 Samsung can implement that API in such a way that</p> <p>20 information that's read from the fingerprint sensor</p> <p>21 can be passed to that application. But the</p> <p>22 application doesn't have to know that it's working</p> <p>23 with the fingerprint sensor; it just assumes that</p> <p>24 it's taking password data.</p> <p>25 Q And so in other words, Samsung has been</p> <p style="text-align: right;">Page 180</p>
<p>1 for an application using the Samsung fingerprint</p> <p>2 reader that you were describing earlier; that would</p> <p>3 be an application that takes advantage of a piece of</p> <p>4 hardware that is not available on other devices,</p> <p>5 true?</p> <p>6 MR. RAGLAND: Objection; form and scope.</p> <p>7 THE WITNESS: I don't think we're saying</p> <p>8 the same thing. If you write an application and it</p> <p>9 doesn't make use of the fingerprint sensor, which is</p> <p>10 not part of the CDD, it will run on any Android</p> <p>11 device that is Android compatible, including devices</p> <p>12 that have a fingerprint sensor.</p> <p>13 BY MS. HURST:</p> <p>14 Q Is the expectation that an application</p> <p>15 will run on any Android phone that carries the</p> <p>16 Android mark?</p> <p>17 MR. RAGLAND: Objection; form.</p> <p>18 THE WITNESS: The expectation is that any</p> <p>19 application that you download from the Play Store</p> <p>20 should run on any device that has the Android mark.</p> <p>21 BY MS. HURST:</p> <p>22 Q All right.</p> <p>23 And are there Samsung fingerprint reader</p> <p>24 applications that can be downloaded from the Google</p> <p>25 Play Store?</p> <p style="text-align: right;">Page 179</p>	<p>1 able to write some software that will work with the</p> <p>2 Android platform that allows the fingerprint data to</p> <p>3 substitute where there would otherwise be a password</p> <p>4 required?</p> <p>5 MR. RAGLAND: Objection; form and scope.</p> <p>6 THE WITNESS: That's an example I'm -- I'm</p> <p>7 making up, yes.</p> <p>8 BY MS. HURST:</p> <p>9 Q Okay.</p> <p>10 And does Samsung modify, extend, subset or</p> <p>11 otherwise, alter any of the core class libraries of</p> <p>12 the Android platform in order to offer that</p> <p>13 capability?</p> <p>14 MR. RAGLAND: Objection; form, beyond the</p> <p>15 scope.</p> <p>16 THE WITNESS: I believe they extend the</p> <p>17 set of APIs and the framework, but they have to pass</p> <p>18 all of the CTS tests, which mean that they, in</p> <p>19 addition to the additions, meet the minimum.</p> <p>20 BY MS. HURST:</p> <p>21 Q Is -- by the way, you said Chromium --</p> <p>22 Chromium is an open source project?</p> <p>23 A Uh-huh.</p> <p>24 Q Is Chrome OS derived somehow from</p> <p>25 Chromium?</p> <p style="text-align: right;">Page 181</p>

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<p>1 A Chrome OS is essentially Chromium OS, 2 which is the open source version plus the closed 3 source bits. 4 Q And is Chromium OS under -- what open 5 source license is that under? 6 MR. RAGLAND: Objection to scope. 7 THE WITNESS: I -- I'd have to take a 8 look. I haven't thought about that in a long time. 9 BY MS. HURST: 10 Q Is it GPL? 11 MR. RAGLAND: Objection to form. 12 THE WITNESS: I'd have to look. I can 13 find out for you. 14 MS. HURST: All right, let's stop for the 15 day. 16 THE VIDEOGRAPHER: Going off the record. 17 The time is 4:07. 18 (Time noted: 4:07 p.m.) 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 182</p>	<p>1 I, the undersigned, a Certified Shorthand 2 Reporter of the State of California, do hereby certify: 3 That the foregoing proceedings were taken 4 before me at the time and place herein set forth; that 5 any witnesses in the foregoing proceedings, prior to 6 testifying, were administered an oath; that a record of 7 the proceedings was made by me using machine shorthand 8 which was thereafter transcribed under my direction; 9 that the foregoing transcript is a true record of the 10 testimony given. 11 Further, that the foregoing pertains to the 12 original transcript of a deposition in a Federal Case, 13 before completion of the proceedings, a review of the 14 transcript [X] was [] was not requested. 15 I further certify I am neither financially 16 interested in the action nor a relative or employee of 17 any attorney or any party to this action. 18 IN WITNESS WHEREOF, I have this date 19 subscribed my name. 20 21 Dated: 12/16/2015 22 23 24  KELLI COMBS 25 CSR No. 7705</p> <p style="text-align: right;">Page 184</p>
<p>1 2 3 4 5 6 I, FELIX LIN, do hereby declare under 7 penalty of perjury that I have read the foregoing 8 transcript; that I have made any corrections as 9 appear noted, in ink, initialed by me; that my 10 testimony as contained herein, as corrected, is true 11 and correct. 12 EXECUTED this _____ day of _____, 2015, at 13 _____. 14 (city) (State) 15 16 17 _____ FELIX LIN 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 183</p>	

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[& - acronym]

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10 5:6 87:20 100:13	2011 88:17	5090 5:7 106:11,15	96 127:22
10-03561 1:6 2:8 6:15	2015 1:15 2:18 5:6,9 6:1,5 100:13 106:12 183:12	5091 5:10 124:12,18 129:23 137:12	a
100 2:17 5:4 85:8 96:15,18	2017 108:25	5092 5:13 144:7,9 144:13	a.m. 2:18 6:2,5 98:5 98:13
106 5:7	2196295 1:24	5093 5:16 156:5,7 156:16 172:9 173:9	ability 77:7 78:3,5 112:25 159:4
10:00 2:18 6:2,5	22-00113654 5:12 5:15 124:13 144:7	6	able 19:3 20:18 23:19 28:5 55:1,17 66:18,21 68:3 91:4 115:15 130:5 159:22 171:1,19 178:4 181:1
10:57 57:23	222 128:18	6 1:12 10:10 89:1	absence 76:7
11:00 85:12 89:21 98:5,13	223 128:19	60 170:24	absolutely 25:13 111:17 116:16
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
Plaintiff,) Case No.
vs.) CV 10-03561 WHA
GOOGLE, INC.,)
Defendant.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GOOGLE'S 30(b)(6) WITNESS

FELIX LIN

San Francisco, California

Friday, December 18, 2015

Volume II

Reported by:

CARLA SOARES

CSR No. 5908

Job No. 2203183

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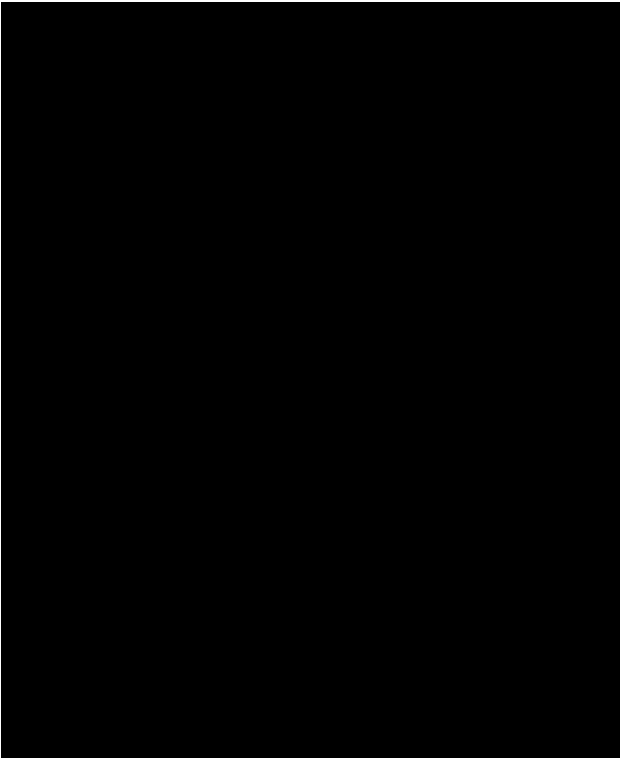
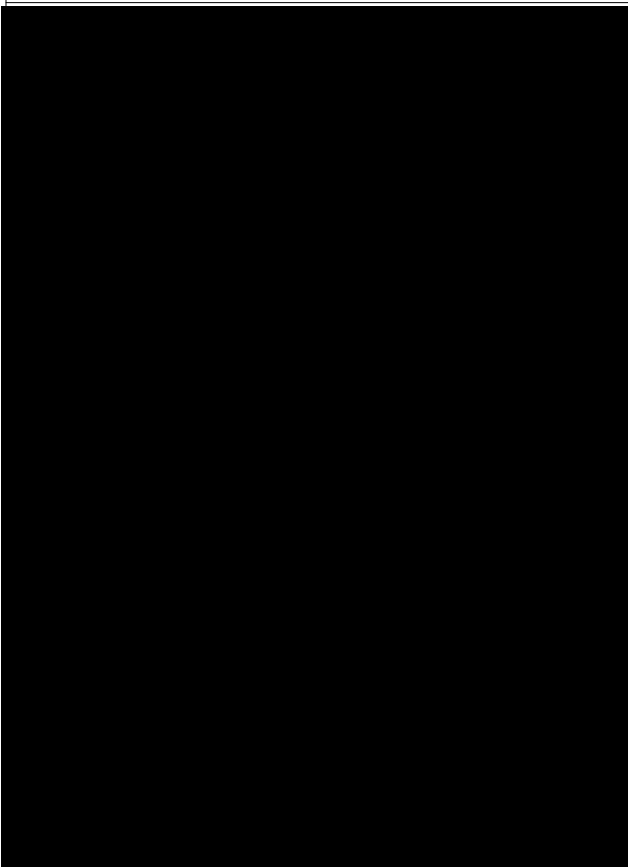


HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN FRANCISCO DIVISION 4 5 ORACLE AMERICA, INC.,) 6 Plaintiff,) Case No. 7 vs.) CV 10-03561 WHA 8 GOOGLE, INC.,) 9 Defendant.) 10 _____) 11 12 13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY 14 15 16 VIDEOTAPED DEPOSITION OF GOOGLE'S 17 30(b)(6) WITNESS FELIX LIN, Volume II, taken on 18 behalf of Plaintiff, at 633 Battery Street, 19 San Francisco, California, beginning at 8:00 a.m., 20 and ending at 10:59 a.m., on Friday, December 18, 21 2015, before CARLA SOARES, Certified Shorthand 22 Reporter No. 5908. 23 24 25</p>	<p>1 APPEARANCES (Continued): 2 3 For the Defendant: 4 KEKER & VAN NEST LLP 5 BY: STEVEN P. RAGLAND 6 Attorney at Law 7 633 Battery Street 8 San Francisco, California 94111 9 415.391.5400 10 sragland@kvn.com 11 12 13 ALSO PRESENT: Chester Day, In-House Counsel, Google 14 Ramon Peraza, Video Operator 15 16 --o0o-- 17 18 19 20 21 22 23 24 25</p>
Page 186	Page 188
<p>1 APPEARANCES: 2 3 For the Plaintiff: 4 ORRICK, HERRINGTON & SUTCLIFFE LLP 5 BY: ANNETTE L. HURST 6 Attorney at Law 7 405 Howard Street 8 San Francisco, California 94105 9 415.773.4585 10 ahurst@orrick 11 and 12 ORRICK, HERRINGTON & SUTCLIFFE LLP 13 BY: MICHELLE O'MEARA 14 Attorney at Law 15 777 South Figueroa Street 16 Los Angeles, California 90017 17 213.612.2418 18 momeara@orrick.com 19 20 21 22 23 24 25</p>	<p>1 INDEX 2 WITNESS 3 FELIX LIN EXAMINATION 4 Volume 2 5 BY MS. HURST 193 6 7 EXHIBITS 8 NUMBER DESCRIPTION PAGE 9 Exhibit 5094 Document headed 194 10 "Multi-networking - Feature in 11 L and M," Bates GOOG-00291517 - 12 1519 13 14 Exhibit 5095 Document labeled "Chrome & 203 15 Android Update," 16 Bates GOOG-00291608 - 1810 17 18 Exhibit 5096 Email string, top email to 237 19 David Burke from Kan Liu, 20 dated 4-3-15, 21 Bates GOOG-00270758 - 0761 22 23 Exhibit 5097 Document entitled "Getting 254 24 Started with ARC" 25</p>
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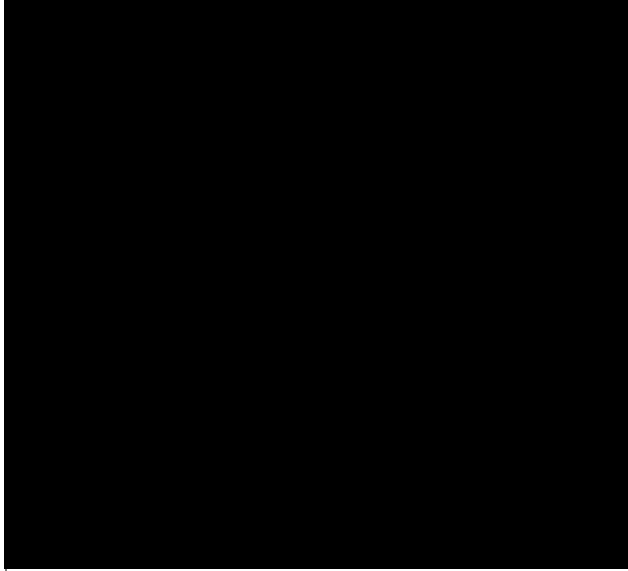

1	EXHIBITS		1	San Francisco, California
2	NUMBER DESCRIPTION PAGE		2	Friday, December 18, 2015
3	Exhibit 5098 Document headed "Background	258	3	8:00 a.m.
4	Information,"		4	
5	Bates GOOG-10000734 - 0737		5	PROCEEDINGS
6			6	THE VIDEO OPERATOR: Good morning. We are
7	Exhibit 5099 Document labeled "Lenovo,"	271	7	on the record at 8:00 a.m. on December 18th, 2015.
8	Bates GOOG-00274827 - 4877		8	This is the videotaped deposition of Mr. Felix Lin.
9			9	My name is Ramon Peraza, here with our
10	Exhibit 5100 Thumb drive containing a	278	10	court reporter, Carla Soares. We're here from
11	spreadsheet, Bates GOOG-00258413		11	Veritext Legal Solutions at the request of counsel
12			12	for the plaintiff.
13	Exhibit 5101 Document labeled "Android,"	283	13	This deposition is being held at Kecker &
14	Bates GOOG-00251037 - 1063		14	Van Nest in San Francisco. The caption of this case
15			15	is Oracle America, Inc., versus Google, Inc., Case
16	Exhibit 5102 Document labeled "Android ON,"	284	16	No. CV 10-03561 WHA.
17	Bates GOOG-00251200 - 1217		17	Please note that video- and
18			18	audio-recording will take place unless all parties
19	Exhibit 5103 Document labeled "Android	288	19	have agreed to go off the record. Microphones are
20	Compatible Device,"		20	sensitive and may pick up whispers or private
21	Bates GOOG-00358049 - 8063		21	conversations.
22			22	At this time, Counsel, please identify
23			23	yourselves for the record and state whom you
24			24	represent.
25			25	MS. HURST: Annette Hurst and Michelle
Page 190			Page 192	
1	EXHIBITS		1	O'Meara from Orrick for Oracle.
2	NUMBER DESCRIPTION PAGE		2	MR. RAGLAND: Steven Ragland, Kecker &
3	Exhibit 5104 Document headed "Android &	297	3	Van Nest, on behalf of Google. Also present,
4	Chrome Partnerships - Executive		4	Chester Day from Google.
5	Summary - w/e October 16, 2015,"		5	THE VIDEO OPERATOR: The court reporter
6	Bates GOOG-00257954 - 7966		6	may now swear in the witness.
7			7	FELIX LIN,
8	--o0o--		8	having been administered an oath, was examined and
9			9	testified as follows:
10			10	EXAMINATION (Continued)
11			11	BY MS. HURST:
12			12	Q Good morning, Mr. Lin.
13			13	A Good morning.
14			14	Q And you're here testifying again on behalf
15			15	of Google; do you understand that?
16			16	A Yes.
17			17	Q On Topics 3, 4 and 5 in the notice that we
18			18	looked at previously?
19			19	A Yes.
20			20	MR. RAGLAND: As limited, as we discussed
21			21	previously.
22			22	MS. HURST: We're not agreeing to any
23			23	objections, but I understand you're talking about
24			24	your designations.
25			25	MR. RAGLAND: Correct.
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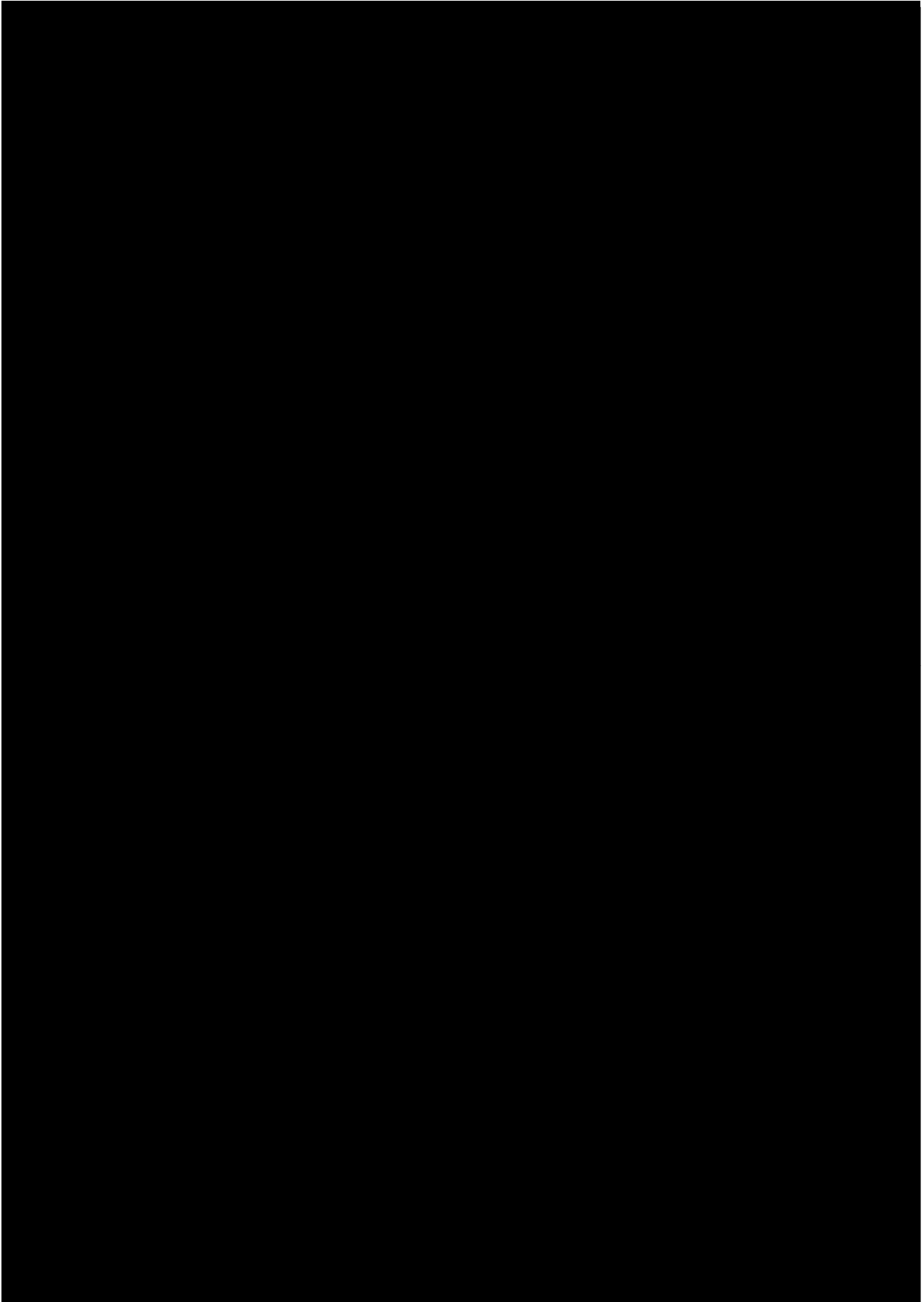
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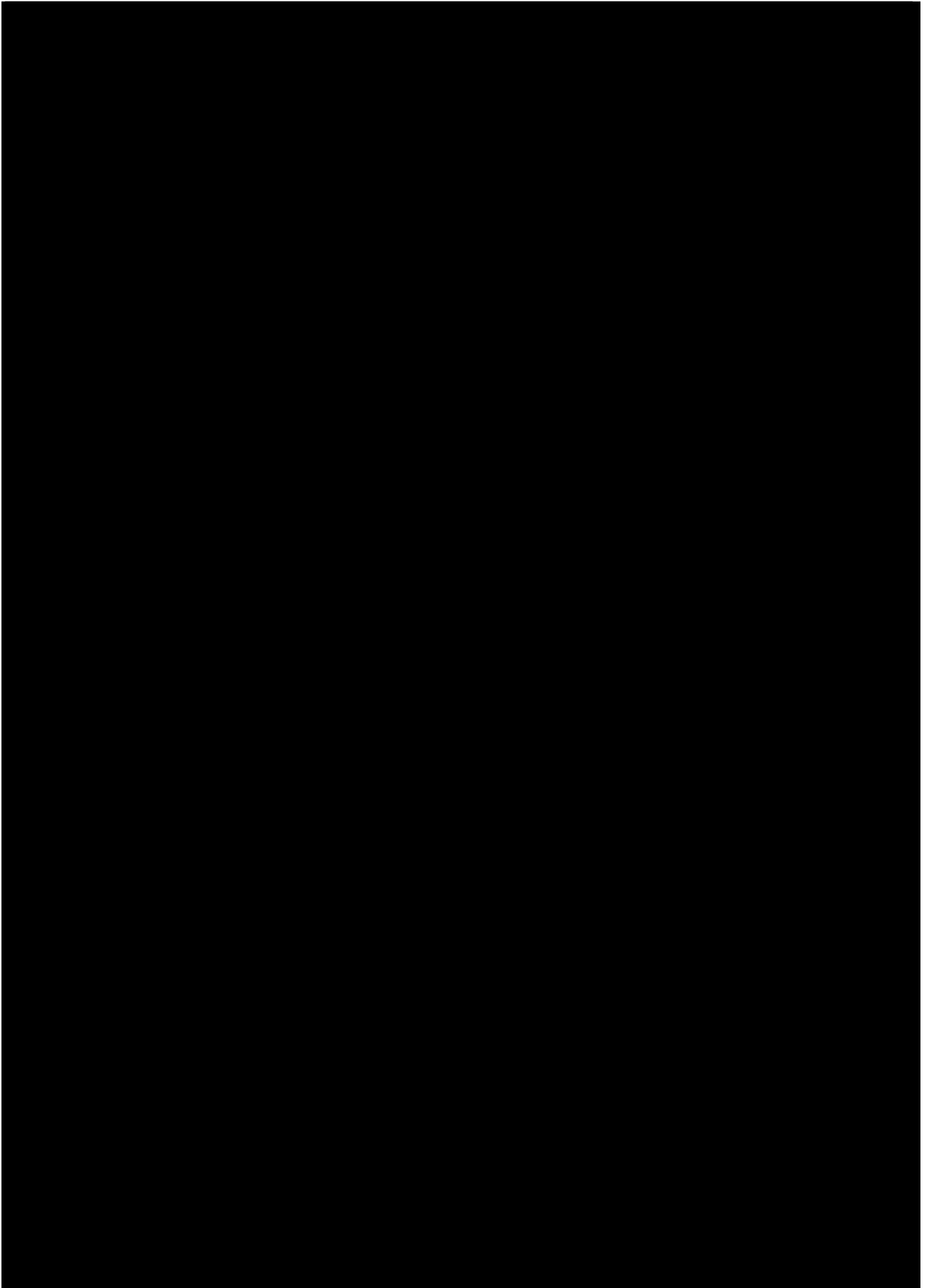
<p>1 MS. HURST: All right. Exhibit 5094 is 2 GOOG-00291517 through 519. 3 (Exhibit 5094 was marked for 4 identification and is attached hereto.) 5 BY MS. HURST: 6 Q Mr. Lin, before we look at 5094, would you 7 remind me, you said that for about the last year 8 you've had the responsibility in dealing with 9 Android hardware partners; is that right? 10 A That's correct. 11 Q What has been your responsibility for the 12 last year in dealing with Android hardware partners? 13 MR. RAGLAND: Objection. Outside the 14 scope. 15 THE WITNESS: My goal is to make sure that 16 they're able to successfully build Android devices; 17 phones, tablets, and other devices. 18 BY MS. HURST: 19 Q And does that extend to providing them 20 with support and other information to enable them to 21 build hardware devices using Android? 22 A Yes. 23 Q All right. Do you recognize Exhibit 5094? 24 A I've never seen this. 25 Q Is there any kind of a website or other</p> <p style="text-align: right;">Page 194</p>	<p>1 BY MS. HURST: 2 Q And what do you call that? 3 A It's an Android partner front end.</p>  <p style="text-align: right;">Page 196</p>
 <p style="text-align: right;">Page 195</p>	 <p>6 BY MS. HURST: 7 Q Are you familiar with a multi-networking 8 feature in Android versions L and M? 9 MR. RAGLAND: Objection. Form and scope. 10 THE WITNESS: Only from what I'm reading 11 now. 12 BY MS. HURST: 13 Q And you're referring to Exhibit 5094? 14 A Yes, I am. 15 Q In the Android partner front end, are 16 there documents of the sort that you see in 17 Exhibit 5094 describing features in Android and how 18 to take advantage of them? 19 MR. RAGLAND: Objection. Form, outside 20 the scope. 21 THE WITNESS: I don't believe these types 22 of documents are in the Android partner front end.</p> 

<p>10 BY MS. HURST:</p> <p>11 Q And is there a confidential -- a place</p> <p>12 where confidential information of that type is kept?</p> <p>13 MR. RAGLAND: Same objections.</p> <p>14 THE WITNESS: None of it really -- it's</p> <p>15 really only confidential up until the point that the</p> <p>16 platform is released. So as soon as the feature is</p> <p>17 released, then it would be on source.android.com.</p> <p>18 It's completely open.</p> <p>19 The reason we keep it confidential until</p> <p>20 it's released is it's incomplete. So typically</p> <p>21 either it's incomplete or it's not working, and it's</p> <p>22 too early for people to actually rely on that</p> <p>23 feature being in the platform.</p>	<p>24 BY MS. HURST:</p> <p>25 Q Does Google allow its hardware partners to</p> <p style="text-align: right;">Page 200</p> <p>1 self-certify using the CTS?</p> <p>2 MR. RAGLAND: Objection. Form, outside</p> <p>3 the scope.</p> <p>4 THE WITNESS: I'm not sure what you mean</p> <p>5 by "self-certify."</p> <p>6 BY MS. HURST:</p> <p>7 Q In other words, does it provide the CTS to</p> <p>8 its hardware partners, let them run it themselves,</p> <p>9 and declare that they've passed it with some --</p> <p>10 perhaps by providing some piece of information or</p> <p>11 otherwise?</p> <p>12 MR. RAGLAND: Objection to form and scope.</p> <p>13 THE WITNESS: So I believe that in our</p> <p>14 agreements with the developers, hardware developers,</p> <p>15 they're not allowed to use our brand trademarks</p> <p>16 unless the device is compatible.</p> <p>17 So if they pass the CTS, then they can go</p> <p>18 ahead and use those trademarks that represent that</p> <p>19 it's Android-compatible.</p> <p>20 BY MS. HURST:</p> <p>21 Q And do you run the -- that is, do you,</p> <p>22 Google, then run the CTS to determine whether it</p> <p>23 passes, or do you let them run it themselves?</p> <p>24 MR. RAGLAND: Objection to scope and form.</p> <p>25 THE WITNESS: The hardware manufacturers</p> <p style="text-align: right;">Page 201</p>
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<p>1 run the tests themselves and they submit the tests 2 back to us. 3 BY MS. HURST: 4 Q So do you give the hardware manufacturers 5 the source code for CTS? 6 MR. RAGLAND: Same objections. 7 THE WITNESS: I'm not sure whether they 8 have access to the source code for the tests or not.</p> 	<p>1 "Introduction & Agenda," @felixlin -- 2 A Yes. 3 Q -- so that indicates that you gave the 4 introduction and announced the agenda for this 5 presentation? 6 A Correct. 7 Q All right. And were you present for 8 this -- the presentation as it's reflected in 9 Exhibit 5095? 10 A I was there for the first day. 11 Q On page ending 610, "Agenda," do you see 12 that? 13 A Yes. 14 Q Under "Android," there's a series of 15 bullet points with names next to them. 16 Do you see that? 17 A Yes. 18 Q And platform programs, who is the person 19 associated with that? 20 A Unsub. 21 Q And who is that? 22 A He's one of the folks on my team who works 23 with hardware manufacturers. 24 Q And is that his full name or -- 25 A That's a first name.</p>
Page 202	Page 204
<p>1 MS. HURST: Exhibit 5095 is GOOG-00291608 2 through 291810. 3 (Exhibit 5095 was marked for 4 identification and is attached hereto.) 5 BY MS. HURST: 6 Q I think it might be a two-sided copy, 7 Mr. Lin, so if you wanted to take the clip off to 8 make it easier to look at, feel free. 9 A Sure. 10 Q Do you recognize Exhibit 5095? 11 A Yes. 12 Q What is it? 13 A It's just an update deck for a team 14 offsite. 15 Q Whose team? 16 A My team. 17 Q Is this a deck that you put together? 18 A No. It's a deck that my leads put 19 together. 20 Q Under your supervision? 21 A Yes. 22 Q And are you the one who presented it or 23 some part of it? 24 A Each of them presented their portion. 25 Q So if we look at the page ending 609,</p>	<p>1 Q You're thinking of his last name? 2 A Yeah, I don't remember his last name. I 3 never use it. 4 Q All right. And what is platform programs 5 in relation to the Android update as reflected in 6 Exhibit 5095? 7 MR. RAGLAND: Objection. Outside the 8 scope. Objection to form. 9 THE WITNESS: It's, you know, general 10 information, communication about Android platform 11 new releases to hardware manufacturers.</p> 
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8 BY MS. HURST:

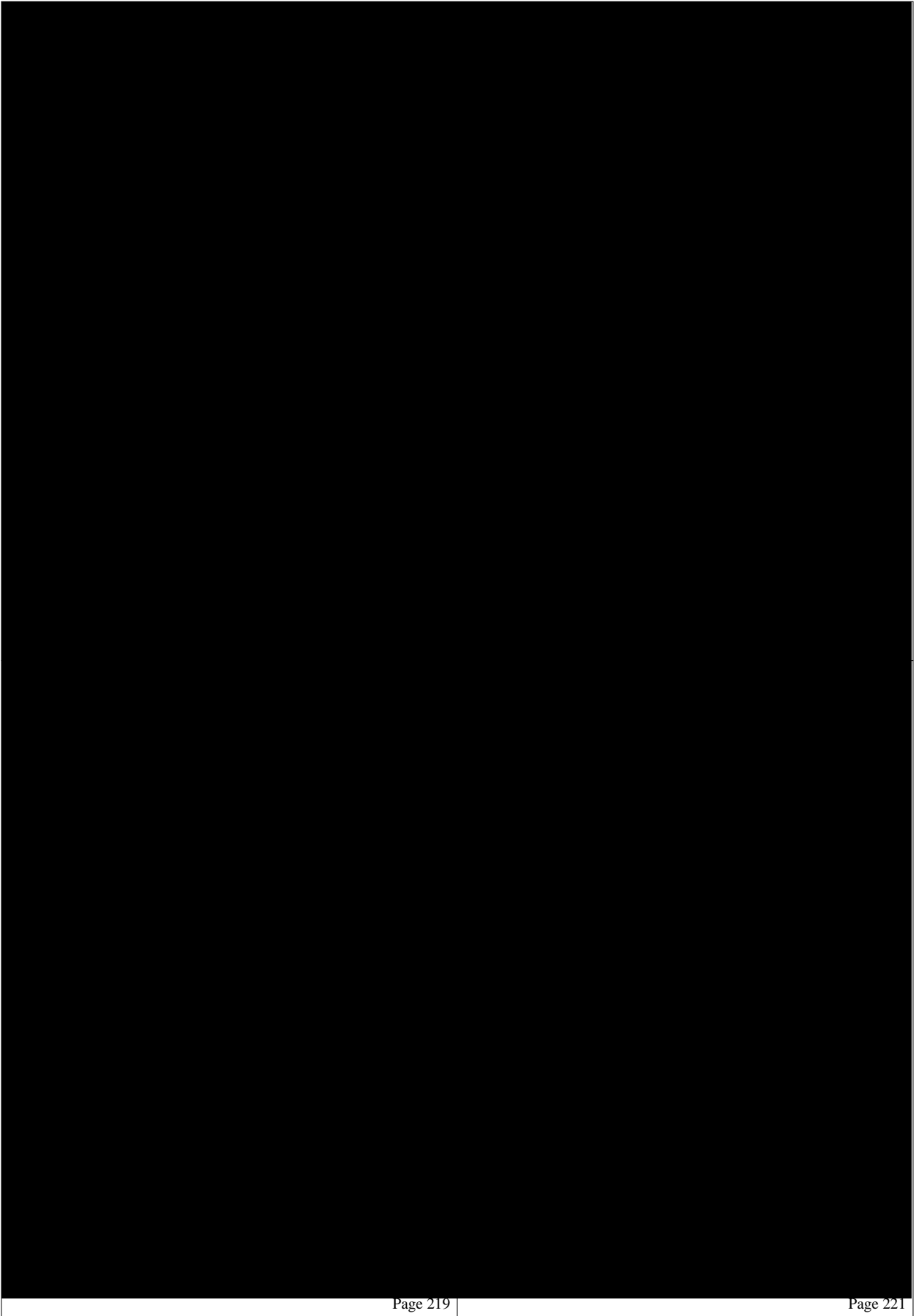
9 Q Are you familiar generally with the
10 subject of this lawsuit and the allegation that
11 Google improperly copied 37 Java API packages into
12 Android?

13 MR. RAGLAND: Objection to form. Outside
14 the scope of designated topics.

15 THE WITNESS: From what I read in the
16 news, yes.

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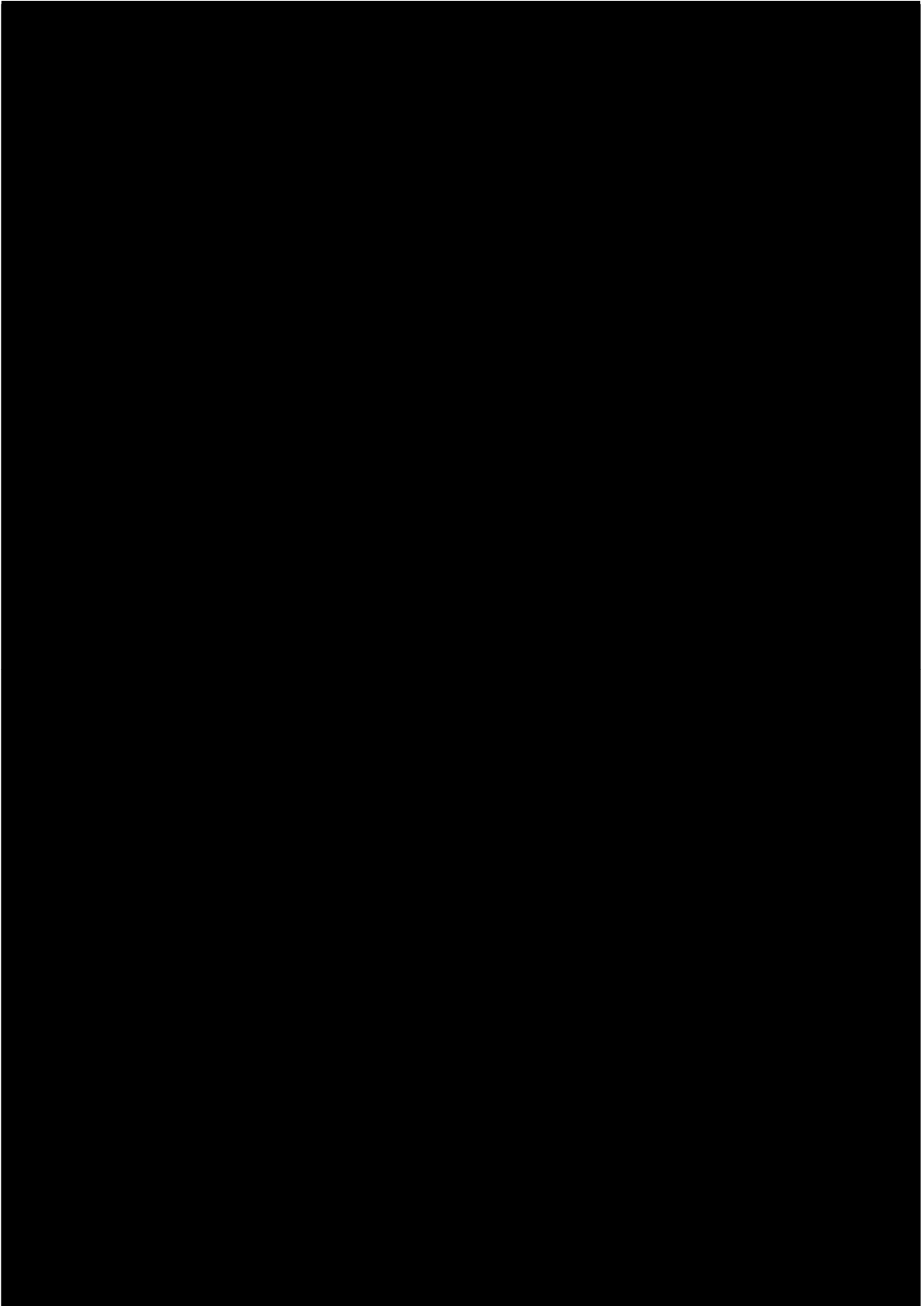
Page 217

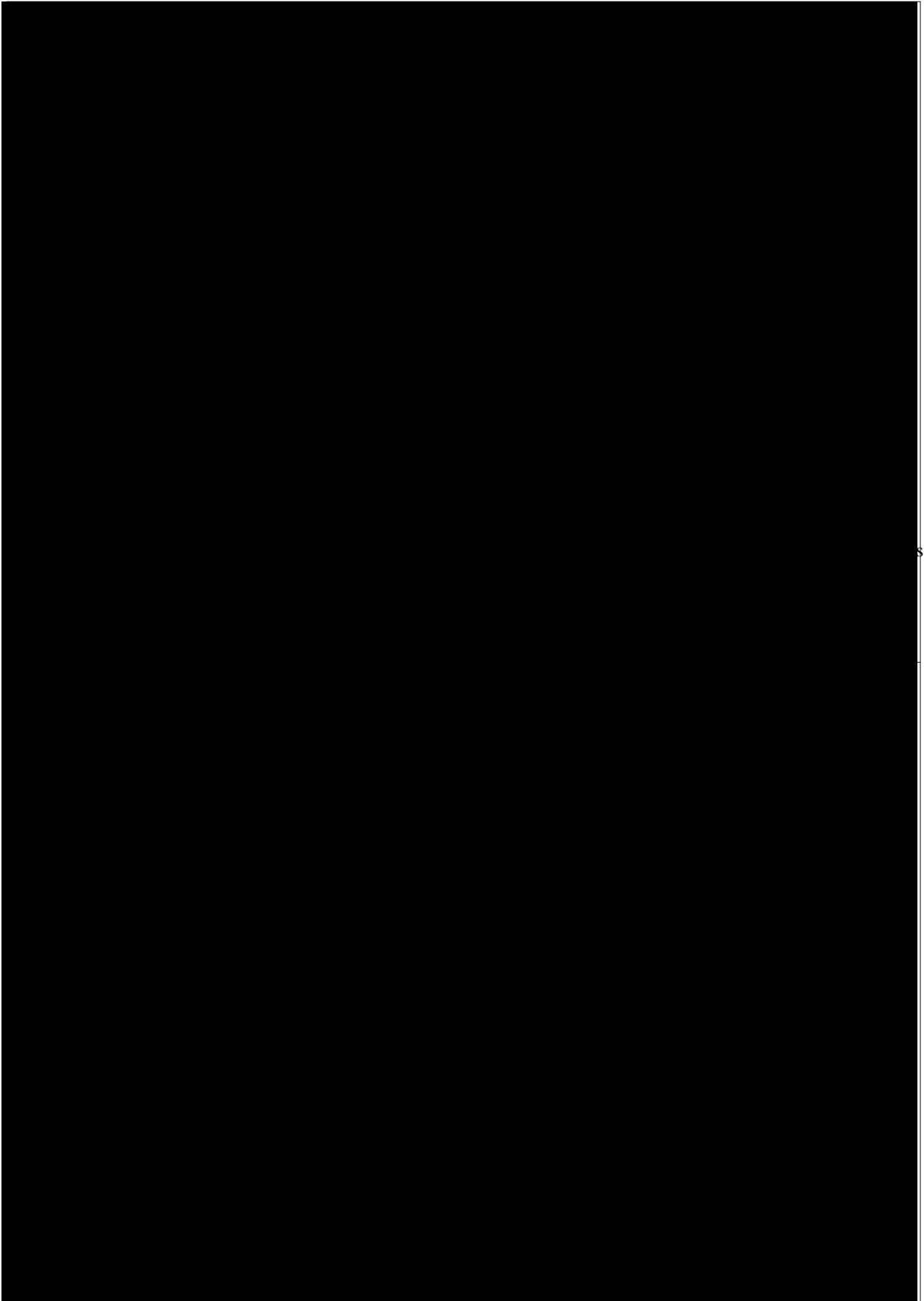


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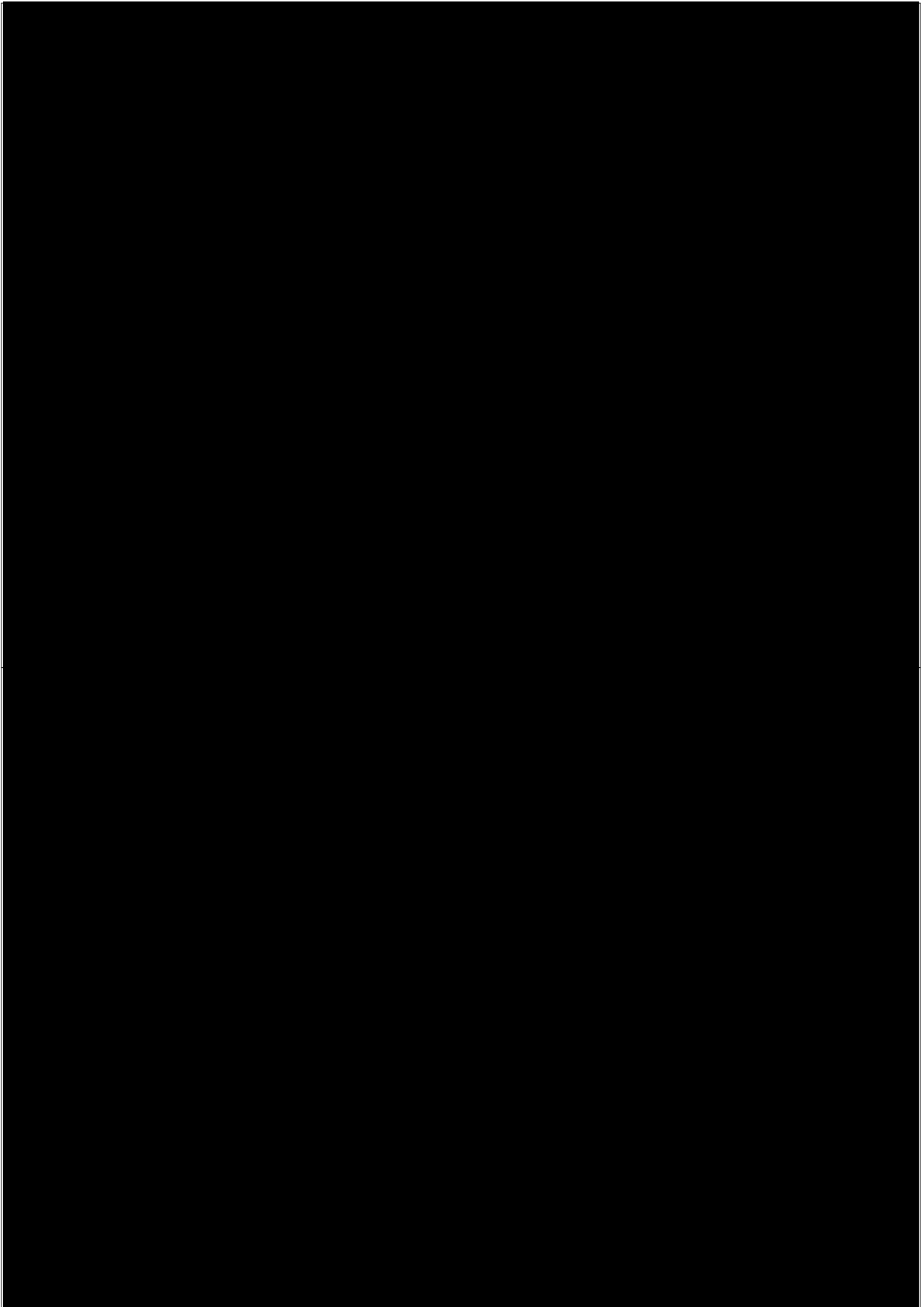
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10 (Pages 218 - 221)





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8 MS. HURST: Why don't we take a
9 five-minute break.
10 THE VIDEO OPERATOR: We are off the record
11 at 9:04 a.m.
12 (Recess, 9:04 a.m. - 9:12 a.m.)
13 THE VIDEO OPERATOR: We are back on the
14 record at 9:12 a.m.
15 MS. HURST: All right. Exhibit 5096 is
16 GOOG-00270758 through 61.
17 (Exhibit 5096 was marked for
18 identification and is attached hereto.)
19 BY MS. HURST:
20 Q Mr. Lin, as in many email threads printed
21 for litigation, you have to read from the bottom up.
22 So the first email in this thread is the one
23 starting on the second page, the lengthy one from
24 Mr. Lockheimer, starting on page 759.
25 Mr. Lin, while you're reviewing the

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14 (Pages 234 - 237)

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1 document, Exhibit 5096, first let me ask if you were
2 a recipient on Mr. Lockheimer's original email of
3 Thursday, April 2nd, 2015, at 10:30 a.m.

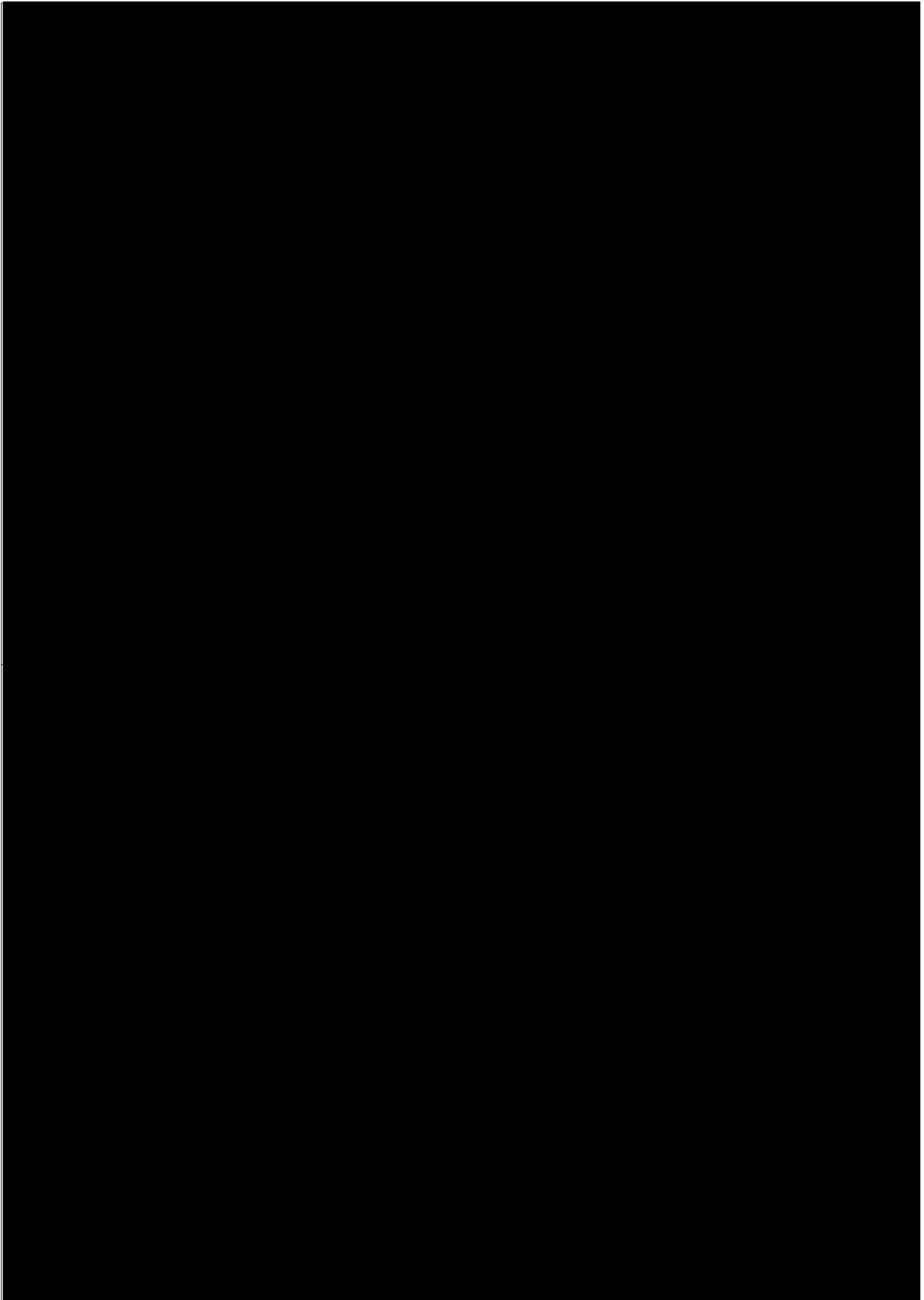
4 A Yes, I was.

5 Q So are you included then -- at that time
6 you were included in the "Android All" alias?

7 A Yes.



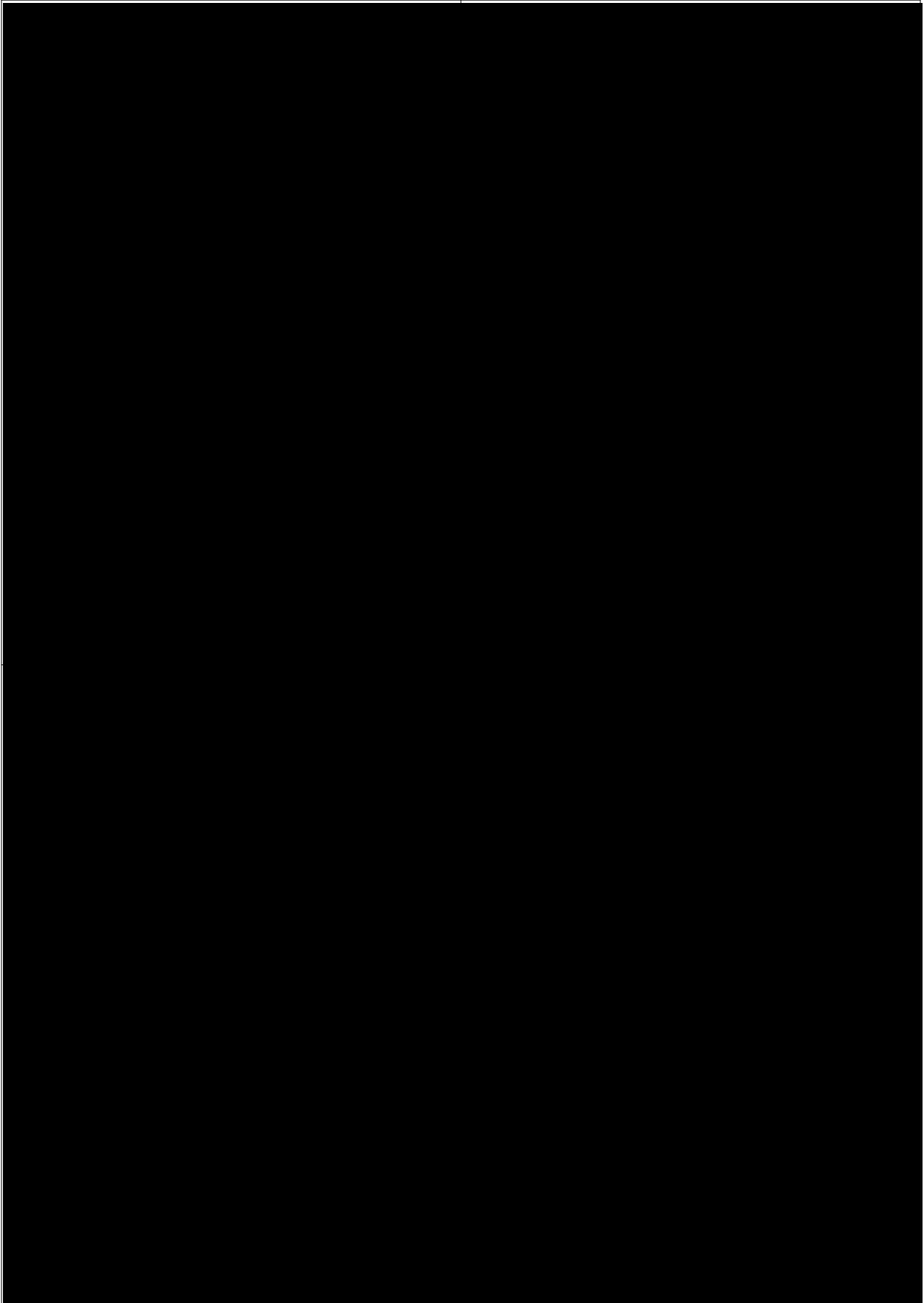
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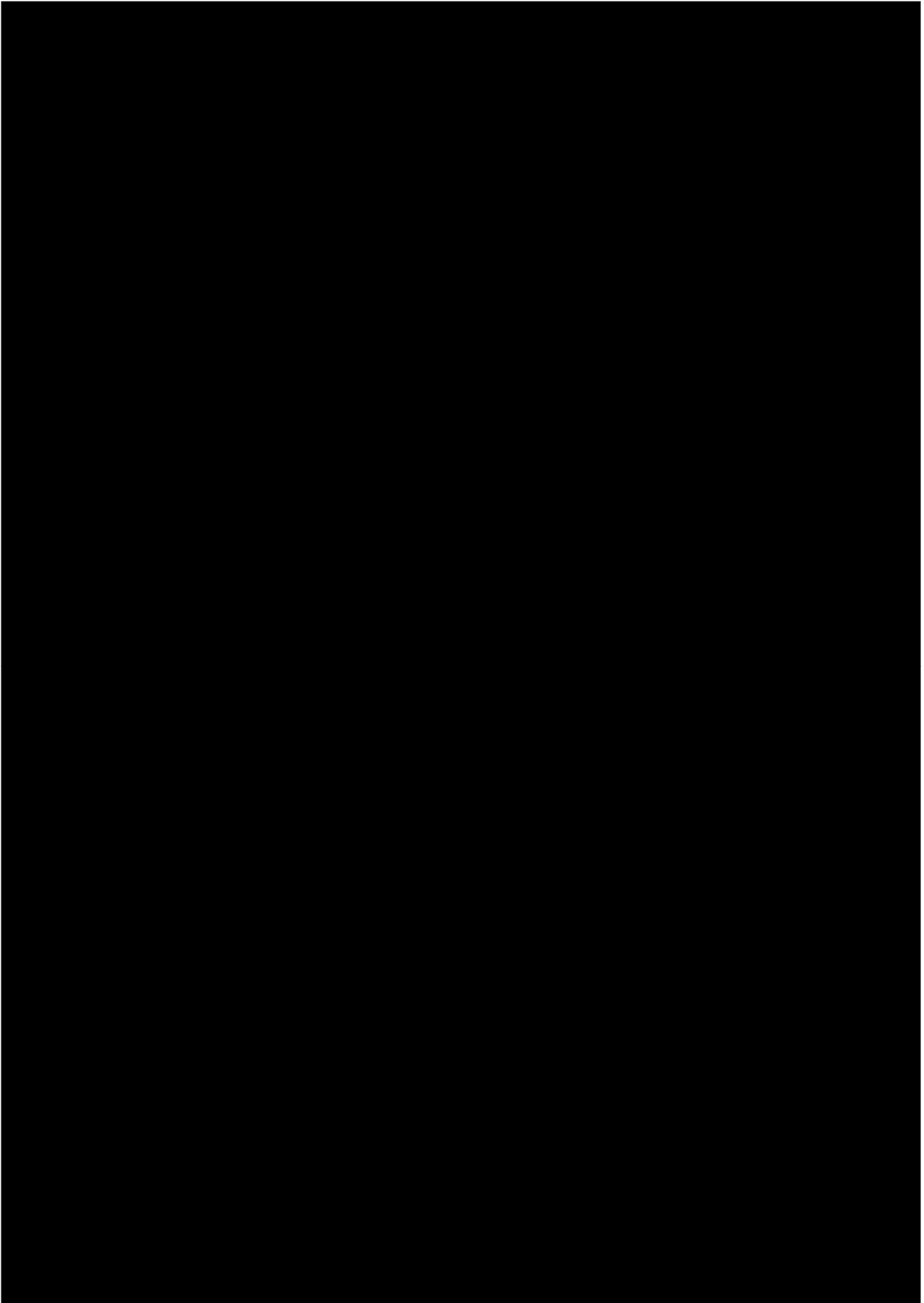


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16 (Pages 242 - 245)





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	<p>1 BY MS. HURST:</p> <p>2 Q It's open to the public?</p> <p>3 A Right.</p> <p>4 Q All right. So turning to the second page,</p> <p>5 it says, "To test your app, you need three things:</p> <p>6 Your APK."</p> <p>7 What's an APK?</p> <p>8 A That's the Android application.</p> <p>9 Q So that's the Android application that's</p> <p>10 been compiled into binary form; is that right?</p>
<p>11 MS. HURST: Exhibit 5097 is a document</p> <p>12 entitled "Getting Started with ARC," printed from</p> <p>13 developer.chrome.com/apps/getstarted_arc."</p> <p>14 (Exhibit 5097 was marked for</p> <p>15 identification and is attached hereto.)</p> <p>16 BY MS. HURST:</p> <p>17 Q Mr. Lin, what is developer.chrome.com?</p> <p>18 A It's a website which is intended to</p> <p>19 provide documentation for developers.</p> <p>20 Q And that's software developers?</p> <p>21 A Yes, primarily software developers.</p> <p>22 Q So people who want to write applications</p> <p>23 to run on Chromebooks, for example?</p> <p>24 A It's, yes, developers who want to write</p> <p>25 applications that run on Chromebooks, but also</p>	<p>11 A Yes.</p> <p>12 Q And you need a Chromebook, and it</p> <p>13 specifies which types will work; is that right?</p> <p>14 A That's correct.</p> <p>15 Q And then the ARC Welder app?</p> <p>16 A Yes.</p> <p>17 Q And is that a link there to the -- where</p> <p>18 you can get the app?</p> <p>19 MR. RAGLAND: Objection. Form, scope.</p> <p>20 THE WITNESS: It should be. I can't tell</p> <p>21 for certain, but yes.</p> <p>22 BY MS. HURST:</p> <p>23 Q Okay. All right. Now, it says, "Test</p> <p>24 your app. Open ARC Welder, attach your APK, and</p> <p>25 select your options. Click Launch App to test your</p>
<p>1 hardware manufacturers and component suppliers that</p> <p>2 are interested in supporting applications.</p> <p>3 THE REPORTER: I'm sorry. "Component</p> <p>4 suppliers that" --</p> <p>5 THE WITNESS: -- are interested in</p> <p>6 building hardware that supports Chrome OS.</p> <p>7 BY MS. HURST:</p> <p>8 Q I think you said hardware manufacturers</p> <p>9 and component suppliers who are interested in</p> <p>10 supporting applications; is that right?</p> <p>11 A And for Chrome OS. Right. Sorry.</p> <p>12 Q No, I just want to make sure we got it</p> <p>13 right.</p> <p>14 All right. So this particular piece of</p> <p>15 documentation from developer.chrome.com is</p> <p>16 instructions about how to run your favorite Android</p> <p>17 apps on Chrome OS, true?</p> <p>18 MR. RAGLAND: Objection. Form. Also,</p> <p>19 outside the scope of the noticed topics.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. HURST:</p> <p>22 Q Now, is this available to any Chrome</p> <p>23 developer?</p> <p>24 MR. RAGLAND: Same objections.</p> <p>25 THE WITNESS: It's open to anybody.</p>	<p>1 app. When testing, file a bug if something doesn't</p> <p>2 work, or find us on Stack Overflow for help."</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q So on Android, the application binary</p> <p>6 makes -- takes advantage of a compiler that at</p> <p>7 different times has been called the Dalvik or the</p> <p>8 Android run time; is that right?</p> <p>9 MR. RAGLAND: Objection. Scope and form.</p> <p>10 THE WITNESS: I believe so. I haven't</p> <p>11 written any applications for Android so --</p> <p>12 BY MS. HURST:</p> <p>13 Q So ARC Welder works with -- I want to make</p> <p>14 sure I understand this -- pre-compiled code; it's</p> <p>15 already been compiled for use with Android run time?</p> <p>16 MR. RAGLAND: Objection to form. Outside</p> <p>17 the scope of designated topics.</p> <p>18 THE WITNESS: I personally haven't tried</p> <p>19 it, but conceptually I believe that's correct.</p> <p>20 BY MS. HURST:</p> <p>21 Q And then -- so what I'm trying to</p> <p>22 understand is how an application compiled for use</p> <p>23 with an Android run time can run on the Chrome</p> <p>24 operating system.</p> <p>25 MR. RAGLAND: Same objections.</p>

1 BY MS. HURST:

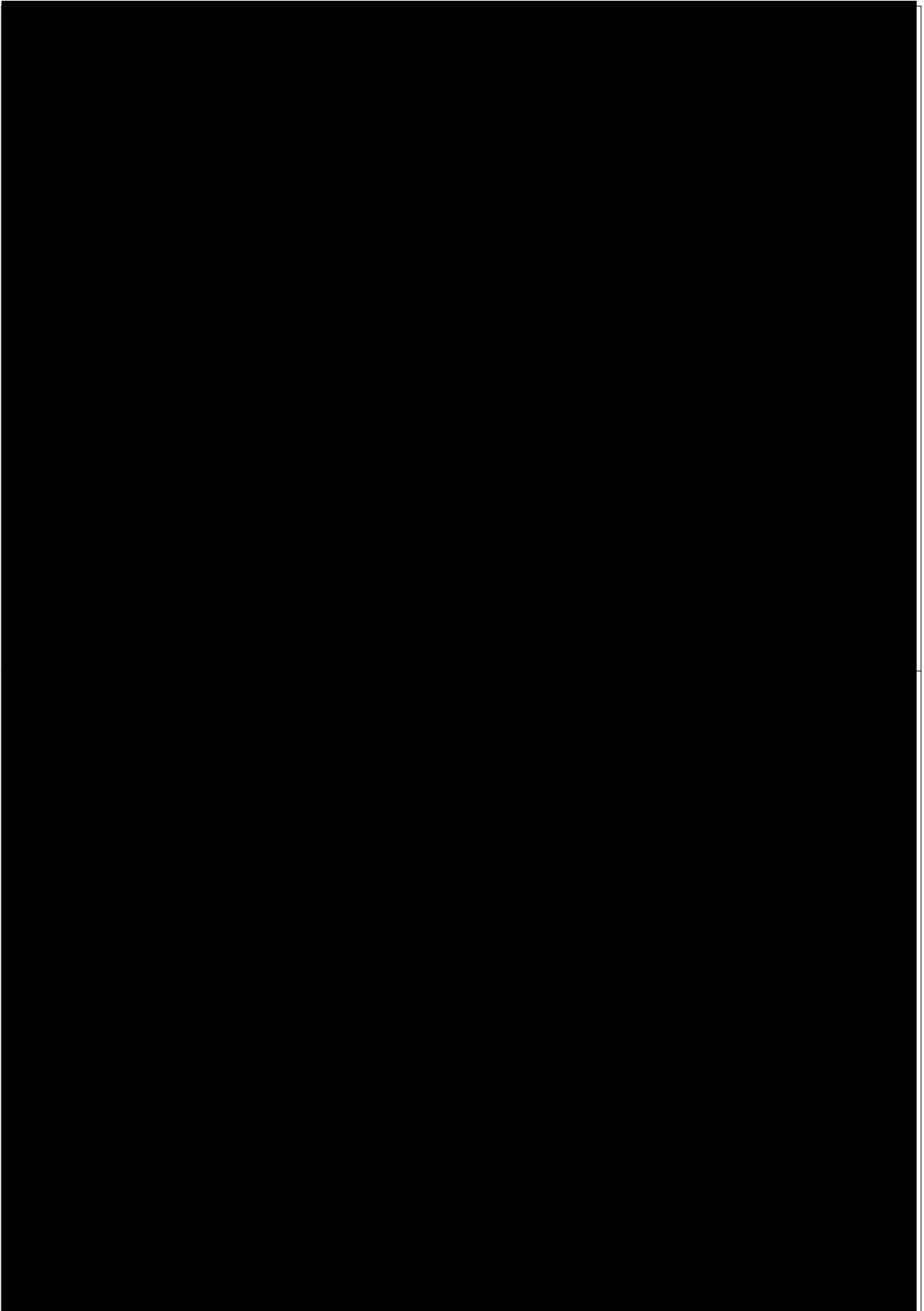
2 Q Can you help?

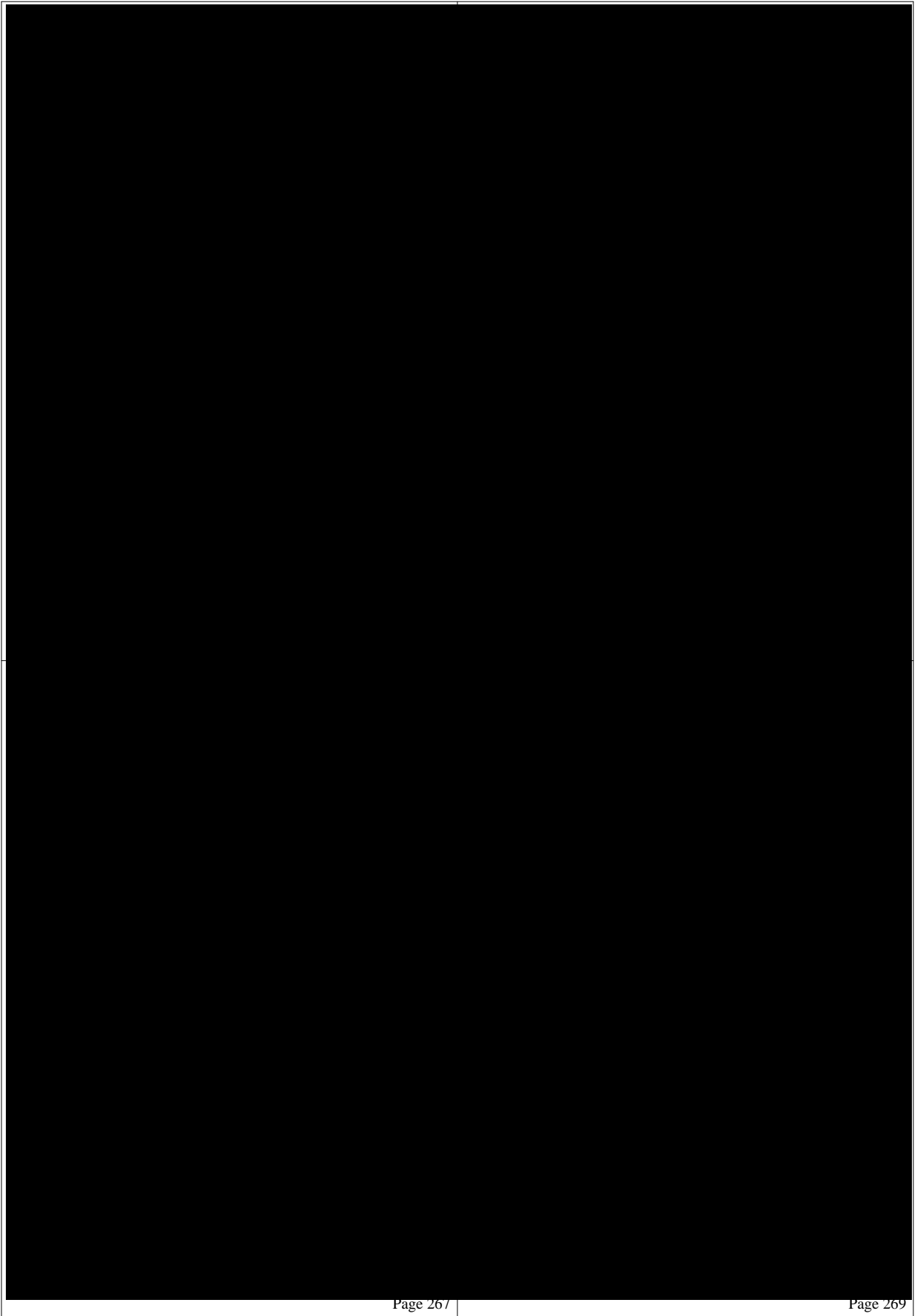
3 A I don't know the low-level engineering
4 details for how that magic is performed.

5 Q So do you know then whether the app run
6 time for Chrome does or doesn't include the Android
7 run time?

8 MR. RAGLAND: Same objections.

9 THE WITNESS: I don't know. I would
10 only -- I would be just guessing.

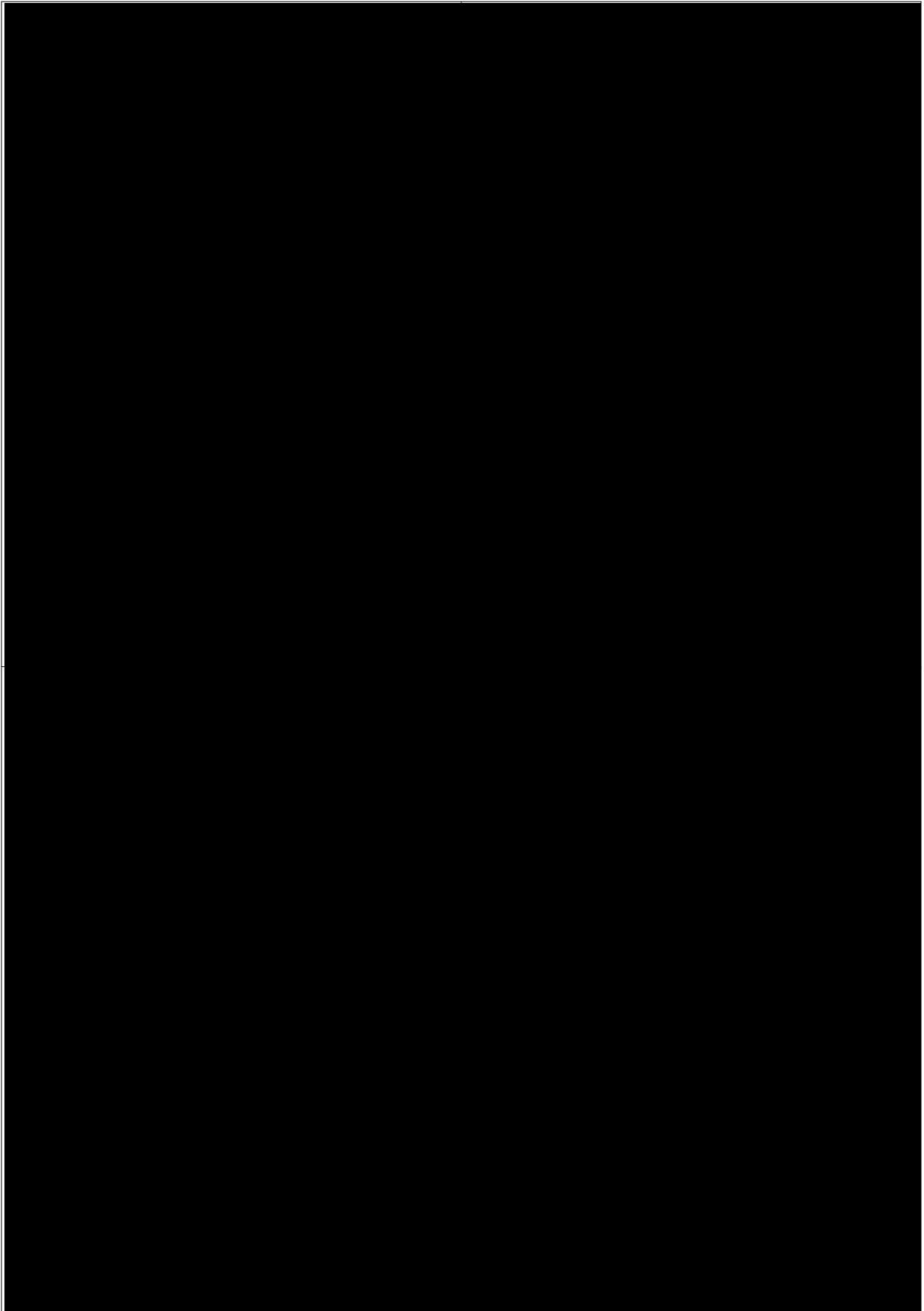


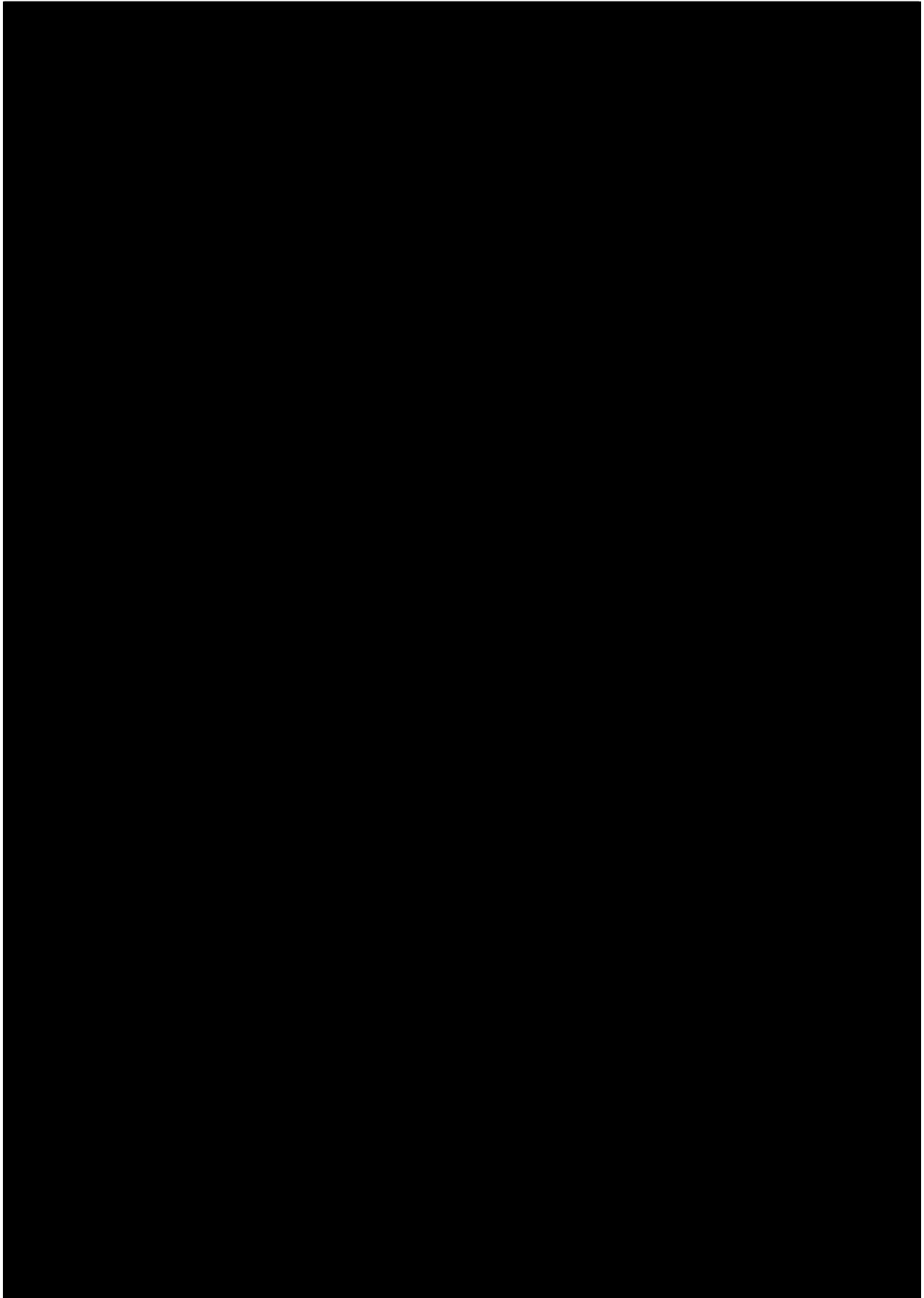


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14 MS. HURST: Why don't we take our second

15 and last break of the morning.

16 MR. RAGLAND: All right.

17 THE VIDEO OPERATOR: We are off the record
18 at 10:11 a.m.

19 (Recess, 10:11 a.m. - 10:21 a.m.)

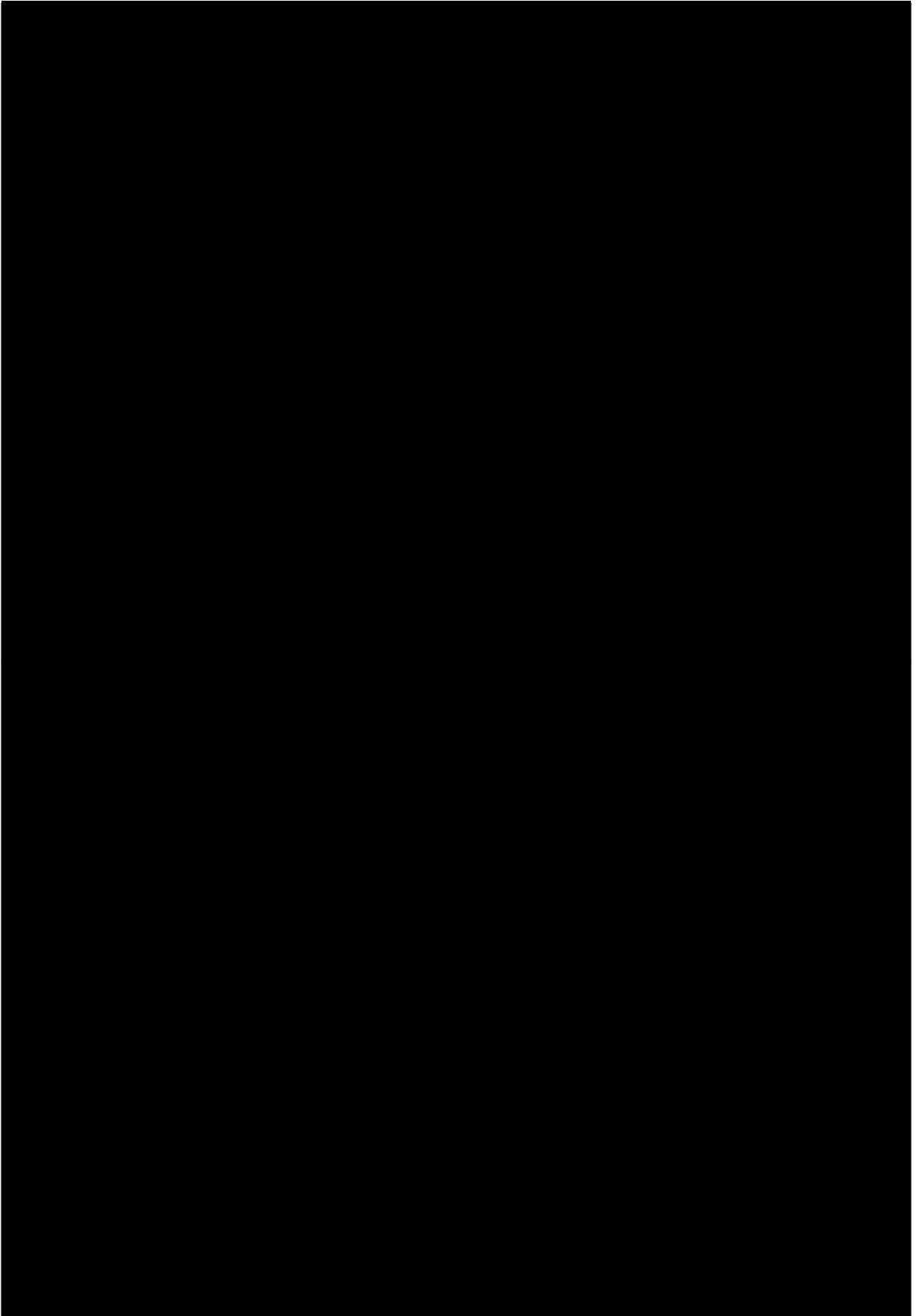
20 THE VIDEO OPERATOR: We are back on the
21 record at 10:21 a.m.

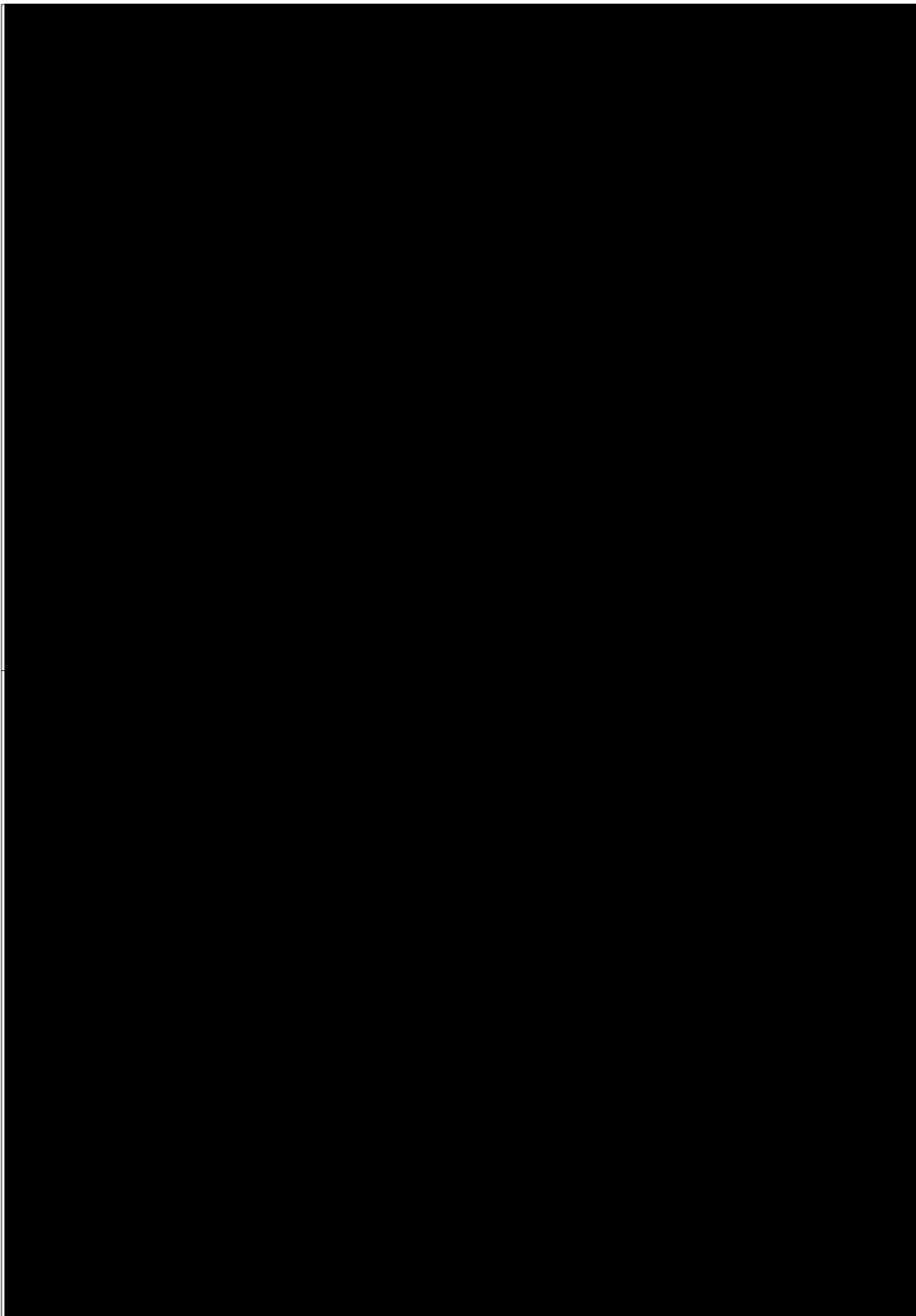
22 (Exhibit 5100 was marked for
23 identification and is attached hereto.)

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25 (Pages 278 - 281)



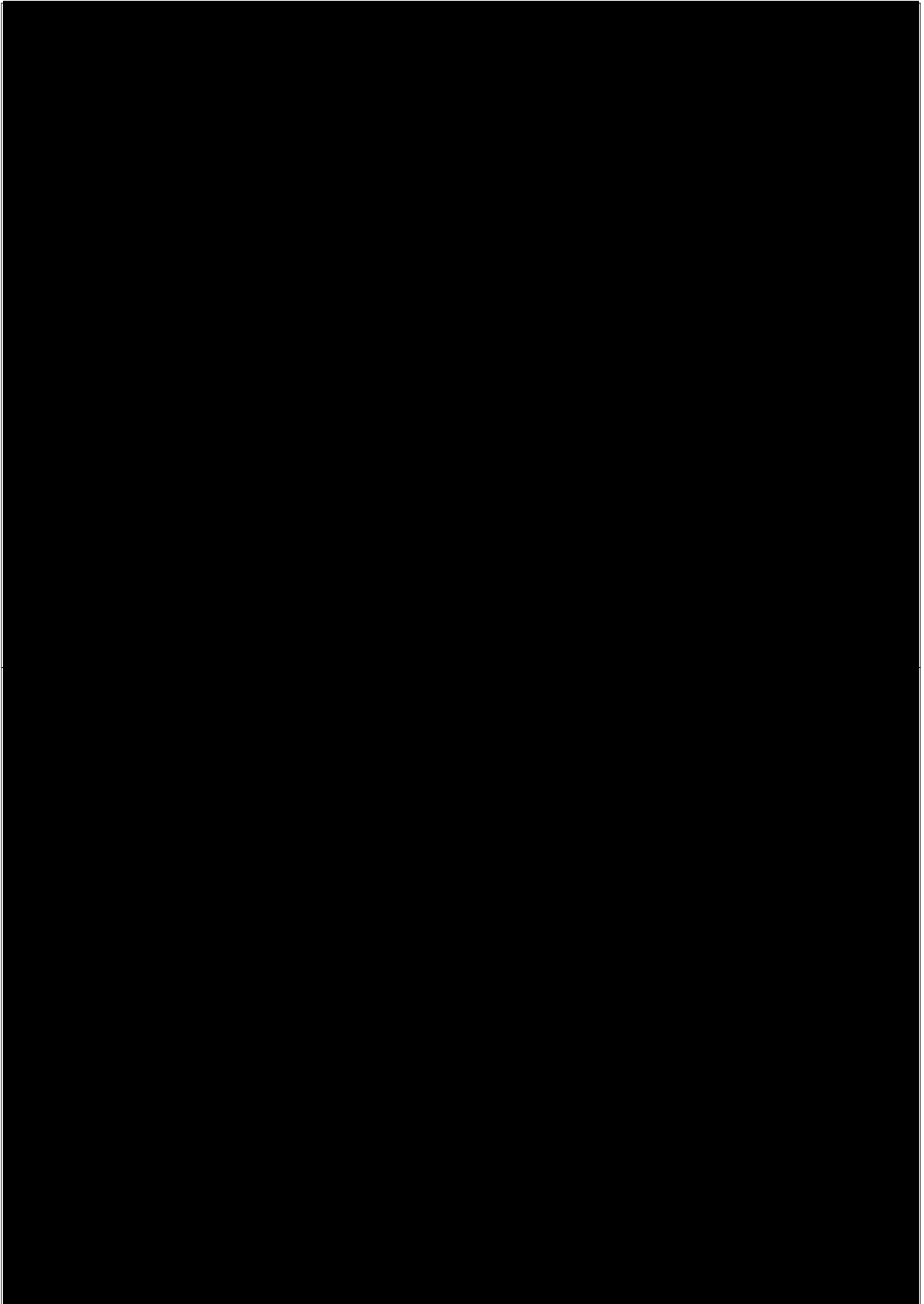


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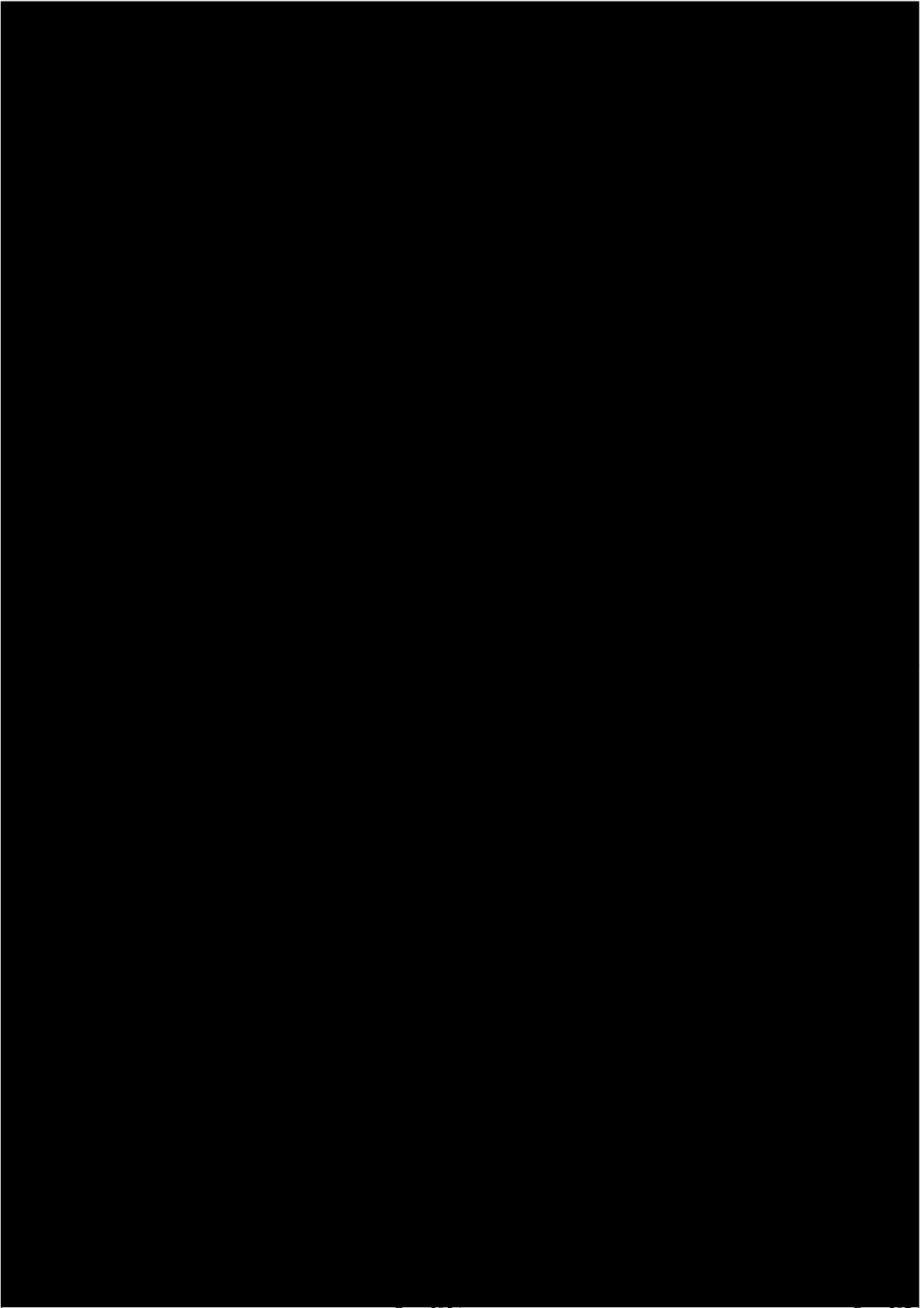
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	<p>1 the specific subject of Android for Work?</p> <p>2 MR. RAGLAND: Objection to form and scope.</p> <p>3 THE WITNESS: Not from a licensing</p> <p>4 standpoint. Android for Work is more of a packaging</p> <p>5 of a set of features for marketing purposes.</p> <p>6 So there may be marketing specific</p> <p>7 agreements about using Android for Work as a brand</p> <p>8 or, you know, other marketing-related efforts.</p>
<p>10 Q Are you familiar with Android for Work?</p> <p>11 A I am.</p> <p>12 Q What is it?</p> <p>13 MR. RAGLAND: Objection to scope.</p> <p>14 THE WITNESS: It's Android focused on</p> <p>15 features for enterprise.</p> <p>16 BY MS. HURST:</p> <p>17 Q And is that -- is it the same as the</p> <p>18 Android open source platform or is it somehow</p> <p>19 different?</p> <p>20 MR. RAGLAND: Objection to form and scope.</p> <p>21 THE WITNESS: It's a higher set of</p> <p>22 features built on top of Android open source.</p> <p>23 BY MS. HURST:</p> <p>24 Q And are those features open source or are</p> <p>25 they licensed on a commercial basis?</p> <p style="text-align: right;">Page 298</p>	<p>17 BY MS. HURST:</p> <p>18 Q Are you aware of any negotiations,</p> <p>19 agreements or contracts with Apple pertaining to the</p> <p>20 distribution of Google services or Google</p> <p>21 applications for IOS?</p> <p>22 A Yes.</p> <p>23 Actually, I think I forgot to mention, but</p> <p>24 as part of the prep for the deposition, I did talk</p> <p>25 to the lead engineer who is managing our IOS apps to</p> <p style="text-align: right;">Page 300</p>
<p>1 MR. RAGLAND: Same objections.</p> <p>2 THE WITNESS: They would be available open</p> <p>3 source.</p> <p>4 BY MS. HURST:</p> <p>5 Q Are they presently available on an open</p> <p>6 source basis?</p> <p>7 A Yes.</p> <p>8 Q What is the licensing model for Android</p> <p>9 for Work?</p> <p>10 MR. RAGLAND: Objection to form and scope.</p> <p>11 THE WITNESS: Android for Work is included</p> <p>12 in Android open source.</p> <p>13 BY MS. HURST:</p> <p>14 Q Is there a certification program or other</p> <p>15 set of requirements associated with licensing or</p> <p>16 distribution of Android for Work?</p> <p>17 MR. RAGLAND: Objection to form.</p> <p>18 THE WITNESS: Nothing in addition to just</p> <p>19 Android compatibility. So there are specific</p> <p>20 interfaces and features that are part of Android</p> <p>21 open source, which are -- were intended specifically</p> <p>22 for Android for Work, but it's part of the base</p> <p>23 platform.</p> <p>24 BY MS. HURST:</p> <p>25 Q And does Google enter into agreements with</p> <p style="text-align: right;">Page 299</p>	<p>1 find out more about what we do for IOS.</p> <p>2 Q All right. I'm interested in the</p> <p>3 negotiations or contracts as opposed to the</p> <p>4 technical infrastructure --</p> <p>5 A Okay.</p> <p>6 Q -- with Apple pertaining to the</p> <p>7 distribution or licensing of Google services or</p> <p>8 applications on IOS.</p> <p>9 Do you know anything about that?</p> <p>10 A Yes.</p> <p>11 Q Okay. What do you know?</p> <p>12 A Basically we were an Apple developer. We</p> <p>13 have an iTunes account, and we take the Google apps</p> <p>14 and we publish them through the app store.</p> <p>15 Apple has to approve those apps, and when</p> <p>16 they do, they give us a cert to sign the app and</p> <p>17 distribute it through their app store.</p> <p>18 We sign up as an Apple developer, so</p> <p>19 there's an Apple developer program agreement. You</p> <p>20 know, we basically sign up to their standard</p> <p>21 agreement. We don't negotiate any -- anything</p> <p>22 special.</p> <p>23 And then there's a separate agreement to</p> <p>24 use the X code developer environment in their SDK to</p> <p>25 actually build the apps to run on IOS.</p> <p style="text-align: right;">Page 301</p>

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<p>1 So we signed that agreement, and we used</p> <p>2 their SDK to build the IOS versions of our</p> <p>3 applications.</p> <p>4 Q Is there any agreement between Google and</p> <p>5 Apple that relates to revenue sharing associated</p> <p>6 with advertising?</p> <p>7 MR. RAGLAND: Objection to form and scope.</p> <p>8 THE WITNESS: I've never seen one.</p> <p>9 BY MS. HURST:</p> <p>10 Q Okay. Do you know whether there is one</p> <p>11 way or another?</p> <p>12 MR. RAGLAND: Same objections.</p> <p>13 THE WITNESS: I don't know.</p> <p>14 BY MS. HURST:</p> <p>15 Q Have you seen published reports that</p> <p>16 Google pays Apple a billion dollars a year to be the</p> <p>17 search carrier or search service providing on IOS?</p> <p>18 MR. RAGLAND: Same objections.</p> <p>19 THE WITNESS: I've seen news reports that</p> <p>20 Google pays for search traffic from Apple.</p> <p>21 BY MS. HURST:</p> <p>22 Q You've seen reports that Google pays a</p> <p>23 billion dollars a year, right?</p> <p>24 MR. RAGLAND: Objection to form and scope.</p> <p>25 THE WITNESS: I haven't seen the amounts.</p> <p style="text-align: right;">Page 302</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 I, FELIX LIN, do hereby declare under</p> <p>9 penalty of perjury that I have read the foregoing</p> <p>10 transcript; that I have made any corrections as</p> <p>11 appear noted, in ink, initialed by me, or attached</p> <p>12 hereto; that my testimony as contained herein, as</p> <p>13 corrected, is true and correct.</p> <p>14 EXECUTED this _____ day of _____,</p> <p>15 2015, at _____, _____.</p> <p>16 (City) (State)</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 FELIX LIN</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 304</p>
<p>1 BY MS. HURST:</p> <p>2 Q Do you have any knowledge as to whether</p> <p>3 there is an agreement providing for such payments or</p> <p>4 as to the amount of those payments?</p> <p>5 MR. RAGLAND: Same objections.</p> <p>6 THE WITNESS: I have not.</p> <p>7 MS. HURST: I think that brings us to</p> <p>8 11:00 a.m.</p> <p>9 MR. RAGLAND: All right. This will</p> <p>10 conclude the deposition of Mr. Lin in both his</p> <p>11 personal and 30(b)(6) capacity.</p> <p>12 THE VIDEO OPERATOR: We are off the record</p> <p>13 at 10:59 a.m. Thank you.</p> <p>14 (TIME NOTED: 10:59 a.m.)</p> <p>15 --o0o--</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 303</p>	<p>1 I, the undersigned, a Certified Shorthand</p> <p>2 Reporter of the State of California, do hereby</p> <p>3 certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth;</p> <p>6 that any witnesses in the foregoing proceedings,</p> <p>7 prior to testifying, were administered an oath; that</p> <p>8 a record of the proceedings was made by me using</p> <p>9 machine shorthand which was thereafter transcribed</p> <p>10 under my direction; that the foregoing transcript is</p> <p>11 a true record of the testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript [x] was [] was not requested.</p> <p>16 I further certify I am neither financially</p> <p>17 interested in the action nor a relative or employee</p> <p>18 of any attorney or any party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21</p> <p>22 Dated: 12/22/15</p> <p>23</p> <p>24  CARLA SOARES</p> <p>25 CSR No. 5908</p> <p style="text-align: right;">Page 305</p>

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.